Conley in the back there; Richard Tesar, Mr. Tesar; Rich Jansen, Mr. Jansen; John Schwope, he's in the back; Rick Kolowski, Dr. Kolowski; and Dorothy Lanphier; hi, Dorothy. Good to see you. Did I miss one of them? Anyone snuck in without me seeing them? Okay. Thank you very much.

I would also like to at this time ask that any other elected officials that are in presence here this evening that would like to be recognized, if you'd mind standing up and introducing yourself? Yes, sir.

SENATOR KRUSE: Senator Lowen Kruse.
MR. PETERMANN: Thank you, sir.

Anyone else?

MR. WILCOX: Duane Wilcox, Washington County Board.

MR. PETERMANN: All right. Duane, thank you. Any others? Thank you very much for being here this evening.

The agenda tonight, I hope that you had an opportunity to view the information stations that were in the other room over here and get a chance to talk one on one with a few of the individuals there about some questions you might have. If not, we'll have an opportunity to do that at the end of the evening here. We will have a presentation here that'll last about half an hour to 45 minutes, and, then, hope to have a period of comment and public input. And that's what we're here for tonight. And we really appreciate the good crowd. And we hope that this will be a good experience for all, and we value your inputs. The -- we hope to be out of here by 9:00, so that's our schedule we hope to follow.

Again, the purpose of the forum is to provide another opportunity for public input. The financial policies that will be reviewed here tonight were actually provided at a public forum and debuted on March 2nd of this year. And you'll be seeing, basically, the same information that was presented at that forum at that time. We, again, hope to address public and council or board concerns as the policies are being presented at this time to various jurisdictions for adoption. Many of you are aware that the various jurisdictions in the Papio Creek Watershed Partnership are in the process of adopting these policies at this time.

You should have all received a comment THIBAULT, SUHR & THIBAULT OMAHA, NEBRASKA (402) 331-2500
and question card when you came in. If you'd note on the cards that we'd like you to jot down your questions or comments during the presentation. If you'd like to hold that up and hand it in at any time, we'll have somebody watching here for that. You can hand those in. You can indicate on the card whether or not you'd like to speak. If you'd like to speak, just check that box. If you do not wish to speak, check that box.

I'd appreciate you putting your name down there, especially if you wish to speak, because we will be bringing the cards up, and, then, calling people to the mike, basically, as -- well, in order so that we can kind of keep things moving. So, I'd appreciate your name on there, especially if you wish to speak.

If you do not wish to speak, we will read the comment card that you send in. And we will read the comments or address the question that you have there. So, I guess, I'm saying you have the option. You can provide comments and questions either by speaking at the mike or by writing them on the card. In either event, we will address them this evening.

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The -- this is the outline that the presentation will follow. We'll start with a little introduction and background, move into then how the policies were developed, and, then, an overview of those policies, and, then, a little bit of what happens next. So, we'll jump right into it.

The Papillion Creek Watershed Partnership, most of you may be aware, it involves nine cities, two counties, and one NRD, or 12 entities that are gathered together to address storm water quality in the Papio basin. And these are those nine cities and two counties, all in Douglas and Sarpy County.

The mission of the Partnership is to address issues related to water quality and quantity, quality and quantity in the watershed by establishing regional common goals and standards. Again, the idea of the Partnership is regionalization, looking at everybody working together on the same page for development through 2040; so, kind of looking into the next 40 years.

The Partnership was formed in 2001 and permits for the national storm water permits required, and I'll go into that a little more.

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storm water permits. And I'm talking here about those Phase 1 and Phase 2 storm water permits that the cities and the counties have. In 2006, which is the end of the second year of those permits, they were issued in 2004, so August 2004, so it'd be August 2006 being the second year, is, No. 1, to revise the storm water design manual to include post-construction water quality of BPM, so revising storm water design manual; and, secondly, to establish ordinances and regulations to control runoff during and after development, so storm water ordinances; and the third is to develop and adopt storm water policies in the -- in the -- they're actually called strategies in the permit. So, kind of three things: Design manual, ordinances, and policies.

So, I'm going to address the issue of primarily the policies and try to develop a policy or a plan. The watershed, by design, was born and included three major elements: To achieve a water green watershed, clean watershed, and a safe watershed that would all envelope in a master plan for the watershed.

Green -- by green, we mean that there's THIBAULT, SUHR & THIBAULT OMAHA, NEBRASKA (402) 331-2500

urban greenways, open space, and trails, and parks, and things like recreation areas. By clean, we mean it is enhancing water quality, and that supports that recreation and helps protect wildlife. And safe watershed primarily dealing with our storm water run off and our flooding damages that occur.

Just to give you some examples of green watershed strategies that one may adopt that were looked at were, again, greenways like the Roberts Park area in Omaha, like the Runnymede Station Wetland in Sarpy County that the NRD has merged water-based aesthetics with economic development such as Newport Landing, and purchase floodplain properties like has been done along Cold Creek, and do additional landscaping and open space.

In the clean watershed strategies, there are things such as requiring water quality BMPs, like stabilized waterways, water quality improvements projects like clean lakes, like quality basins like Wehrspan Lake, and managing combined sewer overflows.

And the safe watershed strategies requiring things like no increase in run off with development, flood plain mapping, and updating THIBAULT, SUHR & THIBAULT OMAHA, NEBRASKA (402) 331-2500

flood plain management channelization to minimize flooding, and reservoirs to minimize flooding. So, that gives you a little idea of the background we're kind of looking at as according to the policy development process. And those things were all reviewed, and public input was received on those various potential elements that may come together in a plan in the policies.

So, to actually develop the policies, receiving the public input from the forums, the six forums that were held, public forums that were held previous to working, and, actually, sitting down and writing the policies, through the Partnership, a work -- three work groups were formed: Technical group, policy work group, and finance policy subcommittee to draft the policies that would, then, come to public forum, and, then, to the elected officials and boards, and, then, become policies adopted by 2006, August of 2006.

Again, these are some of the public forum inputs that occurred starting in November of '04, green, clean, safe, and update the watershed finale, as I mentioned before of March 2nd, and here we are on July 20 to review those THIBAULT, SUHR & THIBAULT OMAHA, NEBRASKA (402) 331-2500

policies.

The work group, just to give you a little idea more about those and the people in the trenches that actually wrote these things, based upon all the input was a 16-member technical work group, primarily working with the technical issues and guidance group; primarily work group, a policy work group that actually, then, I guess, made final decisions as to how it should be and formed it into policy, recommended them for adoption. And there was a subcommittee on finance that was set up of the policy work group to deal with, you know, how do we pay for all of this stuff, and that, I don't know how we ended up with 16 exactly on each one, but we did.

The work group meetings, there was one joint meeting started off. Then, there were five technical meetings throughout. There were six policy work group meetings, and two financial subcommittee meetings. So, there was about a total of 14 meetings that a lot of people spent a lot of time and effort on their own time in public service to try to put these policies together.

The technical work group members, just THIBAULT, SUHR & THIBAULT OMAHA, NEBRASKA (402) 331-2500
to give an idea, these are those members. We
had -- Lamp Rynearson is an engineering firm;
NRCS, National Resource Conservation Service, is
a Federal agency; City of Omaha, Public Works in
this case; another engineering firm, again
looking at technical issues; City of Omaha
Planning; an engineer firm, engineering firm,
Nebraska Department of Environmental Quality; Big
Muddy Workshop, landscape architect, brings
another aspect; Federal agency, United States
Geology Survey; City of Omaha Parks Department,
City of LaVista Public Works; UNO Engineering
Department, Nebraska Game and Parks Commission,
the NRD, the Corps of Engineers regulatory
section that deals with 404. So, that made up
the technical work group to pound out some of the
technical issues that needed to be dealt with in
setting these policies forth.

The policy work group was made up of
more, I guess, people that gathered together,
that worked in this area, had a feel for how
things might work, and, also, those that have a
knowledge of the storm water issues and methods.
Ron Abdouch, he's kind of a -- I don't know,
somewhat of a general public, he's represented
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the Neighborhood Center for Greater Omaha;
Pansing & Ernst is a legal firm, so lawyers that
deal with developments; Sarpy County Economic
Development; John Fullenkamp with a legal firm;
Douglas County, Kent Holm, Douglas County
Planning Department; Steve Jensen, City of Omaha
Planning; Seldin Development Company; Lamp
Rynearson, engineering firm; Metropolitan Area
Planning Agency; the NRD; Bill is -- he's a land
owner in Zorinsky Lake watershed, happens to be
on the watershed council there, get impact there;
Nebraska Land Trust Developments with
Conservation Easements; in our -- Omaha by
Design, Connie Spellman; Jerry Torczon,
development company; Mark Wayne, Sarpy County
Planning, and an engineering company dealing with
development issues.

So, that formed the policy group. We
thought we really had some knowledgeable people
that could deal with both what needed to be done
and what the policies for storm water needed to
be formed into.

As they looked at this, I mentioned
the -- and in one particular area, looked at
need to look at how we do pay for some of this
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stuff, so they formed the subcommittee and
brought in -- there was some of the same players
in the original group, but brought in some of the
financial people to deal with financing,
development, and SID's, such as Ameritas, and
Kuehl Capital, and Kirkpatrick Pettis to provide
some advice as to how we might pay for some of
these things, especially from the private
interest standpoint, but, also, public. And
that's primarily why the financial committee was
formed.

The policy coverage, as we looked at it,
and as the work groups looked at this, and
this -- this maybe formulates a map that gives
you a little feel for what part of Washington,
Douglas, and Sarpy Counties the Papillion Creek
entails. Certainly, a major part of Omaha, but
we have pieces of the Missouri River that flows
towards the Missouri River, both in Omaha, and
Bellevue, and parts of Sarpy County. And Sarpy
County, parts of it flow to the Platte and the
Elkhorn; parts of Douglas County flow to the
Platte and the Elkhorn; certainly, Washington
County, Platte, Elkhorn, and the Missouri, but
the -- again, focusing these policies on Douglas
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and Sarpy County, all jurisdictions located
within the watershed in Douglas County including
the extra-territorial jurisdictions would apply
to these rules. So, that was what was
recommended to be done, that they're good sound
water management tools that would apply
throughout their extra-territorial jurisdictions.
The storm water policy, I might note
here, do not apply, none of these apply to what
we're talking about tonight, to Washington County
or its communities. They were not involved in
the Partnership and decided not to be involved in
the Partnership. And, so, all of the work that's
done -- I guess, at their election, all the work
was done in Douglas and Sarpy and communities.
And that's the only way area that's impacted was
Douglas and Sarpy County with this working
policy.

I've talked enough. It's time for Lyle
to take over here and review those policies for
you and carry us forward.

MR. CHRISTENSEN: Thanks, Marlin.
And I appreciate everybody coming out tonight.
It's been a hot day yesterday, of course. I was
further north in Minnesota, so it wasn't quite so
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bad up there.

Let's walk through some of these policies. And you should have all received, as you walked in, a hard copy of the actual policies. We won't have time to go through all of the details, but we can certainly highlight them for you. These are the six groups, I call them policy groups, because there's a sub-policy in each one of these. These are arranged in, roughly, the priority that was -- that came out of the public forums, with the exception of the financing. That was not dealt with back in the green, clean, and safe public forums. Those public forums established basic priorities. And the financing was -- rose to the top because, as Marlin said, how do you pay for the improvements, so that was put to the top of the heap.

Let's start out with the heap flow reduction before we get to the finance, because, really, this is what tokeys into the financial picture, is how do we avoid, as growth occurs, to maintain or reduce storm water peak discharge during development and after full build out.

I might add right now that this is intended to be based on a 100-year storm basis.

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so that as the growth occurs we want to be able to maintain it or reduce it from where we are now. The key point here is that watershed is -- already has problems, even at the present day growth levels, so anything that adds to that simply exacerbates the situation. So, there's a sub-policy in there, it said that these regional storm water detention facilities should be located in general conformance with a watershed drainage plan. And that came loud and clear from the work groups. We'd like to, at least, have some idea where some of these might be, and we'll get to that in a little more detail, but that is, at least, a first-cut idea, because, obviously, the developers would like to know where those footprints could potentially lie. It's a conceptual draft plan, if you will.

Now, there's some advantages and disadvantages of any issue. Here's some advantages that have been pointed out with regional detention. This doesn't just come from our work groups. This comes from a lot of natural -- national literature and talking to other adjacent metropolitan areas and other communities. Really, the regional detention does developed areas and provide this detention.

Those areas would be very, very expensive to retrofit.

So, this is in emerging growth areas. Naturally, they need to be located on the stream. This is not off site, off stream storage. They're better served if they can operate right on the main stem of the stream. And in general terms, the drainage areas of regional detention is considered something that's generally greater than 500 acres. 640 is one square mile, so that gives you a little feel for what size the contributing area will be pretty much as a minimum.

And the water quality basins, which this lake here has an upstream water quality basin, that helps protect sedimentation into this lake. Those are generally derived from community-based lake watershed plans. Zorinsky Lake is a classic example. They have a community-based plan that looked at how do we protect the main body of that lake. So, when we use the term "large quality basin", we're talking about upstream controls to the main detention basin.

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things will go through that similar type of process and receive a lot of input.
And the other key thing is scheduling.
This watershed, you know, the -- the jurisdictional boundaries of the various cities and counties don't conform to the nice shape of a watershed. There's overlap, so everybody in the Papillion Watershed Partnership, actually, has to look at scheduling issues with a comprehensive plan to see how that all synchs up. So, it's a difficult issue.

There's a land acquisition process that everybody, certainly, becomes concerned about.
There's an important thing here, this is something that is in lock step with development.
It's similar to a park plan. These reservoirs would not be created in advance. They're driven by development. As the development progresses, then, you start looking at options to contain that no net increase policy. And what is that mechanism? How is that best done? You go back to the original plan and you say, how well is that fitting with the real world?
And the Papio Missouri NRD and the developers necessarily have to have a certain

three basins that have been constructed. There's two more remaining. And those remaining ones will be looked at as the development occurs around that sub water -- those sub watersheds.

The draft drainage plan is really looking at a no net increase -- no net increase general conformance situation. Again, it's not just to -- the increase is one issue, but we'd like to see if we can actually improve upon that some to reduce it. Again, the watershed has got a certain amount of flooding issues already in place.

The estimated construction in today's dollars of these various reservoirs is around $282,500,000. It's a big sum of money. One thing that needs to be pointed out, this is a draft. This is going to require considerable amount of additional technical study. You have to ground through some of these functionally, hydraulically, and see that they function as intended. And there will be a great deal of additional public involvement. This has to go through a very, very public process, in the same sense when you deal with zoning issues before a planning board or city council, these types of
1 taking of land forcefully intentionally ahead of
time in advance. It's driven by the development
process. I'll make that very clear.

4 So, let's bounce back to finance. This
5 is where -- this is where there was a recognition
6 to create a dedicated, sustainable funding
7 mechanism to accommodate new development and
8 significant redevelopment. And what do we mean
9 by redevelopment? Well, that'd be something that
10 existed -- a change to what existed prior to the
11 time these policies are adopted. And that's
driven by an amount of disturbance to a property.
12 It's defined by ordinance.

14 The sub policies, and you can read along
15 with your hard copies, the key thing here is
16 earmarked funds, meaning that once these funds
17 are set aside, that's exclusively what they'll be
18 used for, is to manage this program. There's a
19 regional detention fee that has been proposed.
20 We'll go into that momentarily. That is for
21 construction purposes, not for end purposes.

22 Then, there's a whole thing that you'll
23 see in the policies dealing with what we call
24 framework for fee classifications and how those
25 costs are apportioned, recognition of the

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1 inter-local agreements that are necessary for
2 handling the funds, public/private partnerships
3 at the various detention sites, and a very
4 important three-year review cycle.

5 Every three years, minimum, you go back
6 and see how the program's working. Are the funds
7 flowing properly? Is the system working as
8 intended? It's very similar to a comprehensive
9 plan review process, where you go back and see
10 how well the program is working and is it fitting
11 with the public need.

12 So, some of the framework details here
13 that there is a cost apportionment, public and
14 private. And by private, we mean that is a
15 developer/builder situation, where they would be
16 looking at one-third of the cost; in this case
17 with the original estimates, around $94 million,
18 and this would be over a 40-year build out.

19 That's -- the 40 years is an estimated time where
20 the entire watershed within Douglas and Sarpy
21 Counties would be platted, and not necessarily
22 fully detailed with people yet, but, at least,
23 platted, because once the process of platting has
24 been completed, that land is, essentially, locked
25 in.

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1 So, the -- through lots and lots of
2 discussion, the low density residential fee,
3 which is primarily single family and duplexes, at
4 $500 a lot was established. High density, which
5 would deal with commercial, industrial, the
6 larger apartment complexes, would be $2,625 per
7 developable acre. The cash flow would say that
8 the low -- it would be paid at the time the
9 building permits are applied for. And it would
10 only apply, again, to the Douglas and Sarpy
11 Counties.

12 Moving forward, the Papillion Missouri
13 NRD has what I would call umbrella jurisdictional
14 authority over not only this space but in a very
15 much larger sense. They -- the flow of funds
16 would go to the NRD for handling. And they would
17 pool it with their own two-thirds cost
18 apportionment or about $188 million, which is
19 really raised through their existing tax levy.
20 And the NRD, then, would, essentially, be paying
21 the developer back for that land out of -- out of
22 that full accumulated funds.

23 Last of all, it deals with something
24 that is -- something that the finance
25 subcommittee thought was very necessary, and that

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1 is that the NRD should very much approach the
2 State Legislature for general obligation bonding
3 authority. And what that really means is if the
4 rate of development is exceeding the rate of
5 funds accumulation, and the developers want to
6 keep moving forward, just to keep pace with the
7 development demands, then, the only way that
8 could happen, if the mill levy is not keeping up,
9 is to incur some debt, just like a home loan.

10 And, so, right now, they don't have the
11 authority to do that. So, that would grant a
12 great deal of flexibility of keeping pace with
13 the rate of demand. If the demand's not there,
14 well, you don't issue bonds because there's
15 interest paid on bonds, so -- but that authority
16 would allow them to, at least, have more
17 flexibility to make this system synchronize with
18 the developable demands.

19 Okay. Let's move on to pollution
20 control. Pollution control is the clean
21 initiative. It is regulatory driven. Everything
22 I've talked about so far is definitely not
23 regulatory driven. It's development driven, but
24 pollution control definitely is. The idea there
25 is to reduce pollution from contributing sources,

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including but not limited to ag activities and
combined sewer overflows that was discussed
earlier. And the sub policies are to protect the
surface resources from contamination; preserve,
protect, and mitigate wetlands; support the
Nebraska Department of Environmental Quality and
TMDL development, and implement best management
practices.

Let me back up a little bit. What is a
tMDL? TMDL is the regulatory acronym, meaning
total maximum daily load. And any time there is
a surface water quality criterion, whatever that
is, and it's being exceeded, the State of
Nebraska is obligated to initiate a TMDL. And
what that really entails is trying to divvy up
all of the -- the point and what is called
non-point sources, and apply a margin of safety
so that the sum total of all those contributions
stays within standards within that margin of
safety.

So, you'll probably be hearing a great
deal about this in the coming decade as they --
the State and the -- will be moving into the
Papillion Creek watershed and imposing those
types of activities. There are some impairments
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within the watershed with sediment, bacteria,
nutrients, meaning nitrogen phosphorus, that the
State will eventually choose to put into the TMDL
process.

Here's some examples of pollution
control. You'll hear another acronym once in a
while called CAFOs or CAFOs, that is an acronym,
again, from the EPA that stands for confined --
or concentrated animal feeding operations. And
to make it real simple, they want to see these
facilities have containment on the run off, for
obvious reasons. Livestock waste is very strong
organically.

Here's a picture of a combined sewer
overflow on the Little Papio Creek, where when
you get the rainfall events, and you have cross
ties between the sanitary sewer system and the
storm sewer system that exists, then, it does
overflow the stream. That's under a separate
national policy called a CSO policy, combined
sewer overflow policy, and it's what you probably
read about some months ago about the price tag
that the City of Omaha is facing to meet that
Federal mandate.

The ag communities are very familiar
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with this. They've been doing it for a lot of
years. There's nothing that beats a good old
fashioned leftover strip between the planted crop
and the adjacent stream. Ag run off, again, has
its share of contaminants, like anything else.

No. 4 is kind of a -- what I'd call a
quality of life issue that we talked about, the
green theme. And that is landscape preservation,
restoration, and conservation. And the root
policy is to utilize landscape preservation,
restoration, and conservation techniques to meet
storm water management objectives.

Now, that has some sub policies really
involved to incorporate storm water strategies.
And when we do parks and greenways, you don't
think of them as anything associated with storm
water management. The concept here is to make
that seamless, so that when you're around these
greenways, that a portion of that is, actually,
dedicated to managing some of those storm water
issues. And it's important on the sub policies
here to find where those natural resources
existed within the watershed and in the counties
in general.

There's a popular term that you hear now
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and then, it's called low impact development. As
you develop a new subdivision, are there ways to
minimize the surface run off? And, yes, there
are. There's certainly a lot of national
attention on that. And I'll show you some of
those.

4 and 5 are both similar. They're
what's called creek setbacks. And I'll show you
an illustration of that down the road here a
little bit, but the desire is to have a
three-foot horizontal to one-foot vertical
setback away from the bottom of the creeks, plus
an additional 50 foot for a buffer strip.

Now, of that 50-foot, we'd like, at
least, 20 foot of it reserved for an access
corridor, just to do routine maintenance along
the streams, when things need repair or there's
some erosion that needs -- or some riff-raff work
that needs to happen; at least, allows equipment
access. The rest of that is more for a pollution
buffer. So, the three to one plus 50 is what
would be desirable. Three to one plus 20 would
be minimal, at the minimum.

And let's jump right over to that
right-hand map. That may be real difficult for
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1. fences or whatever, but how do we preserve that
2. once it's already constructed long-term? How do
3. we maintain that long-term, and the sediment
4. storage upstream of regional detention
5. facilities, because if you have a large lake,
6. it's very difficult to drench. It's very
7. expensive. Cunningham Lake is literally being
8. drained. And that's about the only way you can
9. do it. If you have a smaller upstream basin,
10. it's much more manageable to do the maintenance
11. on.
12. Here's some examples again, and, you
13. notice -- you probably notice this when you drive
14. around but you don't really think that this is
15. storm water related, but unless it's washing mud
16. out on the street and you notice in a hurry, but
17. here's an example of a properly installed silt
18. fence along a subdivision where it's attempting
19. to keep any run off from the new development or a
20. new construction washing onto the street. If it
21. gets onto the streets, chances are it might get
22. into the storm sewer and end up in the stream.
23. So, the way to stop it in this
24. particular case is a filtration type thing, a
25. silt fence that is anchored below the ground, so,
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1. on-site detention.
2. No. 5, erosion and sediment control, the
3. area contractors have been involved with this
4. already. The root policy here is to promote
5. uniform erosion and sediment control measures.
6. And when I say "uniform", I mean across the
7. entire Partnership, so that everybody understands
8. the same rules. That includes adoption of a
9. storm -- the Omaha storm water design manual, and
10. to implement those rules in a consistent and
11. uniform manner. The sub policies, it deals with
12. both erosion and sediment control. We think a
13. lot of times of just erosion, where you see a
14. gully or rivulets develop, and that's erosion,
15. but how about the movement of that sediment?
16. You don't have to go too far within the
17. watershed to see the damages from sediments.
18. Cunningham Lake is an area right now that is
19. going under some expensive renovation due to
20. sediment accumulation. And, so, this policy is
21. to say when we're trying to do this, let's look
22. at both issues.
23. Then, there's the consideration of
24. permanent best management practices, not just
25. during construction where we often see silt
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1. actually, it's anchored below the grade, so, now,
2. it can physically sustain itself before the water
3. can pass through. Another thing you'll see along
4. highway embankments, typically, if you're driving
5. down there, is this green stuff on the bank.
6. Well, this green stuff is called hydro mulch.
7. They can even add chemical soil stabilizers, so
8. that when it rains hard, it doesn't tend to wash
9. off the bank. It'll -- it kind of like sticks in
10. place. Here's an example from Boys Town, where
11. they've come in and done a real nice job of
12. putting in a vegetative channel and further
13. stabilized it with some rock as a low flow liner.
14. Flood plain management, that's been in
15. the news lately. The group policy there is to
16. update flood plain mapping, that comes into the
17. so-called FEMA program, and enforce flood plain
18. regulations to the full build out base flood
19. elevation. What does base flood elevation mean?
20. That is a 100-year flood elevation, and that is
21. given the term base flood.
22. So, what does this require? Well, a lot
23. of coordination between jurisdictions and the
24. NRD. And there's overlapping. The watersheds
25. overlap jurisdictions, pure and simple. There's
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1 some updated mapping that needs to be done. And
2 this time, let it reflect full build out, not
3 just existing conditions.
4 This is pretty much a Federal
5 requirement that if there's encroachments into a
6 flood plain, it should not generate -- or cannot
7 generate more than a one-foot rise in the
8 conveyance zone of that channel.
9 Here's an example of a top down aerial
10 view of some remapping work that was done on the
11 West Papillion Creek. What you'll see here, if
12 you have some -- is that there's two lines that
13 go through here. There's an inner and outer
14 line. And granted it's a little tough to see the
15 inner line, the blue line here represents the
16 flood plain delineation that existed prior to
17 this latest remapping. This has an age on it.
18 This goes back, I believe, to the mid 1980s?
20 MR. CHRISTENSEN: Well, that's 2001
21 as a baseline? Okay. So, that really, actually,
22 does not have much age on it, but that's showing
23 you that with the full build out, that the yellow
24 line, which that reflects, will shift outward in
25 a lot of cases. And it really comes down to
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1 geometry of the land, how flat or steep the side
2 walls of that sub basin are. And this is what
3 has caused a lot of consternation as to what
4 happens now if I'm suddenly into a flood mapped
5 area, but where I wasn't before.
6 And one thing we heard loud and clear
7 from the public early on is why are we allowing
8 encroachments when this sort of thing can happen
9 in the future? So, the decision was clearly made
10 is if we're going to do remapping in this
11 watershed, for goodness sake, let's recognize the
12 potential for full build out and see what would
13 physically happen. So, this effort has been
14 underway, and it needs to be underway for the
15 rest of the basin as well.
16 Continuing on, the development in the
17 floodway fringe was felt to be -- should be
18 limited to 25 percent of the plan area; if you're
19 looking top down, the outer 25 percent of the
20 flotation. Bridges can restrict flow, as we
21 know. And if the bridge is sitting too low, it
22 forms a bottleneck. So, the low -- what I call
23 low steel or low port elevation should be, at
24 least, a foot above that maximum water level at
25 that 100-year flood event, just so it doesn't
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1 become restricted. And why a one-foot safety
2 factor in there? Well, any time you get a flood,
3 you're carry an awful lot of debris, tree
4 branches, everything tends to jam up on the
5 bridges. So, that's a little safety factor, so
6 you don't cause water to spill out over the levy,
7 just because it's been plugged up so bad.
8 Then, there's this concept of lowest
9 first floor in elevation of a building upstream
10 of regional detention facilities should be, at
11 least, a foot above the 500-year pool elevation.
12 That sounds very extreme, but there's not that
13 much vertical difference between a 100-year pool
14 and a 500-year pool. It's a dam design concept,
15 but this dam here, for instance, would be
16 designed for a 500-year situation, but to keep
17 those houses up above that, that are immediately
18 upstream of that basin, in other words, above the
19 shoreline area.
20 Here's that illustration, and I'll try
21 not to make this too complicated. Here's a
22 typical cross section of some portion of a
23 stream. What's defined as a floodway is the
24 center conveyance zone of a stream. This is
25 where the vast majority of the water actually
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1 moves. And, then, you move out towards the
2 fringes, where it kind of flattens out, and this
3 is called a floodway fringe. The policy I was
4 telling you about is to try and restrict
5 development to the outer 25 percent.
6 Now, theoretically, if this flood plan
7 has been properly mapped, you could incur fill
8 clear to the interior to that floodway and not
9 raise it more than a foot. The work group
10 members thought that that is not as good of a
11 policy as it should be. There's certain
12 communities, Lincoln being one of them, for
13 example, where it's restricted further than what
14 the Federal government would require. And it
15 makes good policy sense, simply because it keeps
16 this being -- from being encroached. And it
17 affects water quality and conveyance both. That
18 is the 25-percent rule.
19 Now, this is intended to be a --
20 depending on the geometry, there's a 25-percent
21 rule or there's a three to one plus 50 foot rule.
22 It depends on the stream geometry. You might
23 have a case where the three to one is affected on
24 one side and the 25 percent goes on the other
25 side. This is just showing a hypothetical, but
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that's the concept. We heard it loud and clear
from the public, let's limit the encroachment
into the flood plan more than what we've done in
the past. We want to do our part.

Okay. What the policies do, we want to
make clear what these do and do not do. Let's
first talk about what they do. They provide a
comprehensive approach to storm water management,
addressing both water quality and water quantity.
You can't do one without the other, because it'd
be shortchanging the process to be that narrowly
focused. So, you have to think of both quality
and quantity.

It does promote conferencing and
regional consistence from water management. And
from the regulatory arena, it does satisfy the
requirements of the National Pollution Discharge
Elimination System, that's another one of those
acronyms, but what that really means is that is
things that affect surface water run off is being
regulated by both State and Federal government.
And these policies would satisfy that.

What the policies do, continued? Well,
they reflect a cooperative effort by a broad
cross section of diverse regional, technical
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policies holders. We had 14 knockdown drag out
meetings, half-day meeting, and this is all
volunteer time with people who had a personal
interest and also a dedicated let's-do-it-right
interest. They're familiar with the problems.
They would deal with this stuff every day. How
we can make this work? How can we reach a
consensus? How can we make this practical?

It's necessary to include a conceptual
plan or a draft plan for regional detention
structures and water quality basins. Everybody
wants to know, at least, on a first-cut basis,
where would these things potentially be? Again,
there's some ground drifting and some other
technical stuff that has to fall in behind, but,
least, let's get something on paper because
people might feel that, what the concepts are.

It provides a conceptual financing
strategy. It does require additional work, and,
certainly, approvals by the elected officials
prior to any implementation. Just like any other
developmental proposal, it's got to go through
the process.

What they do not do is they don't --
these policies are not intended to commit anyone
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mentioned that this is development driven, so it
has to match -- whatever's happening needs to
match the development needs, the actual needs at
the time of the meeting, but recognizing in
advance of what the game plan is. So, there's
periodic need to fine tune that plan.

There is a need to seek general
obligation bonding authority for the NRD, if we
can do it, so that it will facilitate a logical
growth pattern, so that we don't get bottlenecked
into an inability to do things in a timely
manner. I did not do that. If anybody is dozing
off, now they're not.

MR. PETERMANN: That meant you're
done.

MR. CHRISTENSEN: Did you get that
down? Okay. I'm going to go back to Marlin. I
am done.

MR. PETERMANN: I thought so. Let's
see if I can turn it on -- turn it on out here,
and, then -- am I live? Can you hear me? Can
you hear me?

Okay. There we go. Well, thank you for
bearing through that. Sorry, we ran over a
little more than what we -- what we intended to.

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We would like to at this time take the
opportunity, then, to go into the public comment
period with panel members.

And I'd like to call up here, if you
would go to the next slide, some members of the
work group to come up here to help address the
questions, and, so, you can get some direct
questions to them, I will facilitate those, but
I'd like them to help here, the people that spent
the hours trying to put this together.

And I'd like to introduce, first of all,
Marty Grate, Marty is the Omaha Public Works
Department, head of the Environmental Department
and member of the work groups. Secondly, Kent
Holm, Kent is the director of Environment
Services and Planning for Douglas County; Steve
Jensen, Steve is the director of planning for the
City of Omaha, appreciate you being here, Steve;
and John Fullenkamp, John Fullenkamp is legal
counsel, John, that works with the development
community; and Terry Atkins with Lamp Rynearson,
to describe the technical arm from the
engineering committee.

Laurie has handed me some cards to this
point. Again, if you'd like to hand those in,
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hold your hand up, somebody will come pick those
cards up. We'd like to operate from the cards.
I will call off names. I'm going to shuffle
cards that I have at this point, because
we're just going to pick off the top and go down
through and pick out the cards.

Some of these cards have people that
don't want to speak and some of them are those
who you'd like to. So, we'll just see what comes
up, but I -- if you can, we'd appreciate if you
have a thought or a comment that you'd like to
make and -- but if it's already been made, we'd
like to get through as many as possible tonight,
so try to be courteous to others, limit your
comments and thoughts, and maybe one question.
You can sign a card again and come up again
later. So free feel, we aren't going to put a
limit on that, but maybe one or two questions, at
most, at the mike at the time, and maybe give
somebody else a chance for questions, just to try
to respect others as we go through here.

So, I think we'll just begin, and we do
have a mike over here, so when I read off the
first few names here and maybe have you line up
there so we can kind of keep it moving, and maybe
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the three that I call off. First card here is
Shawn Mallotts, second is Julie Thacker, and they
both wish to speak. And Julie Thacker, again,
maybe I'll -- since I didn't ask you, to have you
right again, and Karen Nubert -- Nobert, Kara,
maybe if you can come up to the mike, we'll just
start, so you did wish to speak, Shawn, I
appreciate your comments or questions.

MS. MALLOTTS: Good evening. My
name is Shawn Mallotts. I live at 10404 North
132nd Street. As a Douglas County resident, I'm
very troubled by the workings of the Papillion
Creek Watershed Partnership and their policies.
It's my understanding that the purpose of the
Partnership was to adhere to the Federal
mandates, not to invent the policies regarding
construction of dams in the various
jurisdictions' policies. That is implying that
the Partnership members and the jurisdictions
they represent support construction of the dam
and all the problems that go with such
construction.

First, I'd like to address the issues
that I have with respect to the public input.
Presentations that -- have stated that meeting
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1 notices were sent to elected officials,
2 developers, interested steak holders, and people
3 attending the forums. I learned about the forums
4 through attending NRD meetings, not from the
5 notification that my property was slated to be
6 condemned for dams. I believe I should have been
7 considered an interested steak holder.
8 I personally attended several of the
9 clean, green, safe watershed forums. At no time
10 during these presentations were attendees offered
11 the opportunity to serve on the work groups. I
12 would have volunteered my time and expertise to
13 serve on such groups. I am a certified public
14 accountant. I feel that my input would have been
15 valuable within this organization.
16 Mr. Christensen stated that the policies
17 were created as a result of these meetings. The
18 meetings were visual presentations with
19 pre-screened questions. There was a reference to
20 the multi-reservoir report, not the new 22 dams
21 that came as a result of these policies. Public
22 comment was overwhelming against these dams, so I
23 do not believe public input has been listened to.
24 Next, I'd like a clear understanding of
25 financing of these 29 dams. I am against the NRD
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or any other jurisdiction having bonding
authority, because with this type of power,
there's an open checkbook by issuing bonds
without the vote of the taxpayers who are
expected to pay for the bonds. When there's a
school bond issued, I get the vote whether I want
that bond or not. And I think it's important
that the public should be able to vote on what
they're paying for and what their taxes -- where
their taxes are going.
This especially concerns me when the
statement was made that the funds are needed to
keep up with developers. Mr. Christensen also
stated that the detention fees are collected when
the land is plotted. That procedure is not in
the policies at this time. I think it's
interesting that the policies direct the general
bonding authority process, but leave out the
collection of the fees.
Also, absent from the policies is a
procedure if and when a developer may file
bankruptcy. And I direct that comment to Newport
Landing, which is a dam site, where less than
50 percent of the lots are developed. So, in
that particular project, the developer will not
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be able to collect the detention fee from the
home owner who is going to be funding those fees.
And I also want to point out that Newport Landing
has filed for bankruptcy protection and is 15
million dollars in debt.
And I've also heard at various
presentations that the operation and maintenance
of the 29 dams is less costly than detention
centers on individual developments, which I
believe is what is -- something that should be
looked at as opposed to condemning my land and
putting a dam in it.
I would like to see a study from this
group where that information was derived. I
would expect the study to be from onset through
the complete restoration, such as what's
happening at Cunningham. Also, who pays for the
operation and maintenance of the detention site?
Would it be the taxpayers, or would it be those
enjoying the benefit of those sites on their
property?
In closing, I would like an answer to
what this group intends to do with the
information they receive tonight? Tonight's
forum cannot be a matter of just going through
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the motions in order to appease concerned
citizens. Our concerns need to be addressed.
MR. PETERMANN: Thank you very much
for those comments. Next, we have Julie Thacker.
MS. MALLOTTS: Could I have get an
answer on my question regarding the public input
process?
MR. PETERMANN: Okay. Would you
like to come to the mike, please?
MS. MALLOTTS: Sure.
MR. PETERMANN: What was your
question, please?
MS. MALLOTTS: What is this group
going to do going forward with respect to the
public input they receive tonight? And keep in
mind, my public input says no dams, no bonds.
MR. PETERMANN: Well, this public
input certainly will be considered by the NRD
board, who is primarily focussing this forum this
evening, and will consider those within their
decisions. We also plan to have the record here
available to any of the other communities, but
this is something that will certainly be
considered by the board, but your input at this
point is valuable and is -- will be a part of the
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1 decision-making process when we move forward.
2 This is kind of the very beginning.
3 MS. MALLOTTS: Are the task forces
4 done meeting? Have they completed their process?
5 MR. PETERMANN: As far as developing
6 the policies, yeah, they've completed their work.
7 There is, as you saw, I think, a lot of -- a lot
8 of other decisions on down the road that need to
9 be made.
10 MS. MALLOTTS: By the task groups?
11 MR. PETERMANN: Task force; anybody
12 like to add in there as far as what work will be
13 done down the road?
14 MR. GRATE: I'll take a shot.
15 Again, what we're looking at today are policies,
16 and, essentially, concepts. What we're doing
17 here and what we're trying to get local boards
18 across the watershed to approve is a policy and
19 some concepts of how we might develop a tool box
20 of different tools that we use to address both
21 water quality and water quantity issues.
22 There's still going to have to be a lot
23 of tough decisions made on how these policies get
24 implemented. And, so, it certainly wasn't the
25 intent of these policies to define every step
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1 that's going to have to be taken. And there may
2 be a need to modify the policies along the way.
3 So, I don't think what we're asking for right now
4 is a commitment to any specific detention
5 structure or strategy. We just need to take a
6 first step of moving forward with the concept.
7 MS. MALLOTTS: That's not true
8 because the policy specifically states the NRD
9 shall develop a plan to build these 29 sites.
10 That tells me there's a plan that is required as
11 a result of these policies. And what I would
12 like to add, if there's any future meetings, I
13 would like to volunteer to be part of the work
14 groups.
15 MR. GRATE: Public policy needs to
16 be -- or participation needs to be an ongoing
17 component. And we will need additional approvals
18 before we can get on with this from all of our
19 elected officials.
20 MS. MALLOTTS: So, but, now, did you
21 state that --
22 MR. PETERMANN: I appreciate your --
23 MS. MALLOTTS: But you stated that
24 they need to adopt these by a certain date; is
25 that correct?
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1 MR. GRATE: The storm water permits
2 that many of the communities have require that
3 there be policies adopted.
4 MS. MALLOTTS: Which are due when?
5 MR. GRATE: For most of the
6 communities, it's August 1st.
7 MS. MALLOTTS: So, we, basically,
8 have two weeks to ask for some changes --
9 MR. GRATE: To look at the --
10 MS. MALLOTTS: -- in these policies?
11 MR. GRATE: Well, a lot of the
12 assumptions that I hear you saying are more of
13 the implementation issues that will come after
14 this first step. I would disagree that the
15 policy says that we will build these 29 dams. It
16 says that a regional plan would be developed.
17 We're not -- we're not stating in this policy any
18 specific reservoir will be constructed.
19 MS. MALLOTTS: Then, why don't the
20 policies say that?
21 MR. MARTY: I believe they do.
22 MS. MALLOTTS: I don't, and I'm
23 affected.
24 MR. GRATE: Again, I don't believe
25 that the policy says what you're reading there.
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1 MS. MALLOTTS: Well, I disagree.
2 And you may want to read it.
3 MR. GRATE: I certainly will. Thank
4 you.
5 MR. PETERMANN: We appreciate your
6 comments and opinions. And you had so many
7 thoughts or comments there, well put, it's why I
8 didn't know which one to address, so thanks for
9 indicating one to address there. We next have
10 Julie Thacker.
11 MS. THACKER: Thank you. I think
12 Shawn kind of mentioned one of the questions that
13 didn't get answered. One of my questions in here
14 is financing. It's on the one-page handout, the
15 bottom of Page 2, and I would like to know when
16 will the additional funding strategies be
17 developed to fund the ongoing O & M because it
18 seems to me like you've kind of put the cart
19 before the horse? You want to build these sites
20 but you have absolutely no idea how you're going
21 to maintain it.
22 I don't even know if there's any idea as
23 to what amount the different municipalities,
24 Gretna, Bellevue, Bennington, Elkhorn, are going
25 to need to budget for the future of a dam. And I
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attended a working session between the Bennington City Council and the Planning Commission, and they seemed to have no idea that down the road they were going to own these, therefore, that tells me they're not going to budget them, and I see huge liabilities there.

I drive down Highway 36 every single day, and I look at wonderful Lake Cunningham. And from the little bit of research that I could find, it cost taxpayers three million dollars to build it. And it's going to cost over five million to fix it. Over what term, I don't know. I think it's been there since the mid to late '70s or something. So, I'm wondering, can you anticipate the cost to maintain these structures over the next five years, ten years, or just the life of the structure? How do you determine a cost? And is that passed on to the members of the Partnership, the different elected boards?

MR. PETERMANN: Okay. I might just address that initially. As far as -- the work groups did not get to the point of addressing that specific answer -- that question specifically. Not all answers are out there yet.

MS. THACKER: But that really concerns me that there's millions of dollars to be spent, and collected, and put up by taxpayers.

I wouldn't build a house and not be able to have insurance to maintain it, and, you know, change my furnace filters and do stuff like that. I just don't understand how bonding obligation -- or general obligation bonding authority can be sought to pay for these things and have no idea, no funding, no budget to know how we're going to maintain it. That is greatly concerning to me as a taxpayer.

MR. PETERMANN: I think these storm water issues will continue to be an ongoing cost. And in addressing them will be an ongoing cost, and maintenance will be that. And you can look at a lot of sources that talk about all the costs, the capital costs, but operation and maintenance can be a major factor, there's no doubt, but we need to deal with it. And we need to address operation and maintenance costs as they occur. Anybody else like to say anything?

MS. THACKER: I would assume that the Watershed Partnership has done a study about that. I mean, I would assume you're not going to present this to these communities and ask them to maintain what you have. And I think it would be very erroneous on the part of the Watershed Partnership members to adopt this and have no idea how you're going to maintain these. That's
MR. PETERMANN: All right. I appreciate your comments. I think the -- I just might just say the Corps of Engineers built those, the NRD did not.

MS. THACKER: Okay. Thank you.

MR. PETERMANN: The Corps of Engineers did. And we have maintained a number of regional structures like this, so cities and counties are familiar with maintenance of these sites because we have a number of them now. And, so, it's not necessarily a big unknown. It is something that's being done right now at many facilities in the Omaha metropolitan area. So, it's not a big unknown, but it is going to be a cost. And that's what was being identified. I think probably we should go on.

MS. THACKER: Well, you called my name for two cards. Can I --

MR. PETERMANN: Well, I guess another card is coming. I moved that card to another spot.

MS. THACKER: Okay.

MR. PETERMANN: If you can step back and we'll let somebody else go.

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MS. THACKER: I'll be waiting.

MR. PETERMANN: Okay. Great. Thank you very much. I should have called Kara next, and, then, after that, Tracy Makens, and Bob Tingelhoff so --

MS. NUBERTH: Yes, my name is Kara Nubert. And my husband and I have property both in Washington and Douglas County. And I just wanted to kind of get a little background, and I didn't know if I didn't understand it, or if you can give me a little background of how this Partnership came about? Who came up with the idea?

MR. PETERMANN: Maybe I can -- I can start that. I think it was working -- there was a master plan process involved with the NRD. Did I go off?

MR. FULLENKAMP: You're okay.

MR. PETERMANN: A master planning process that the NRD was looking at a number of years ago. And at the same time the Federal mandate came down for water quality -- for these water quality permits. And at one of the planning sessions that the board held, a number of the community officials were there inputting.

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MR. PETERMANN: I'm sorry.
MR. FULLENKAMP: The Partnership is
the nine cities, and I think he's saying --
MS. NUBERT: Right. And, then, I
asked about the committee.
MR. FULLENKAMP: Okay. Well, you
said Partnership, and I think that's maybe how he
got confused.
MR. PETERMANN: Okay.
MS. NUBERT: I did want to know
about the Partnership but also the committee.
MR. FULLENKAMP: Okay. The -- the
Partnership, as I understand, is all the
communities.
MS. NUBERT: Right.
MR. FULLENKAMP: And the communities
decided there needed to be an umbrella
organization because the rain water isn't going
to stop at Ralston, and, then, you know, say your
rain water can't go past Ralston and Omaha, and,
so, a regional planning concept, I suspect,
seemed to make sense to everybody. So, once that
group of all the elected officials decided there
should be an umbrella organization, excuse the
pun, for this process, they were charged with
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1 regulation. They're also charged with reviewing.
They're in the process every day of reviewing
development plans and dealing with the streams,
and reservoirs, and all of that stuff.
And, so, when it came down to dealing
with the oncoming obligations under this permit
process and the Clean Water Act, how those of us
that were on this group of three different kinds,
I think they decided there should be a group of
engineering types that deal in this business, yet
some environment folks, and some public
officials. So, let's get a technical group.
Then, let's get a broad group. And, then, let's
get a group that when it got to the finance part
of it, that deals with public finance and so
forth.
How I got asked, you know, just -- I'm a
lawyer, I represent developers. I represent
people who build houses. Because we deal with
these issues, I guess they felt it would be
better to -- it would be a good idea to have
somebody who might be either opposed, or have
some concerns about what they're doing, or how
they're doing, or what it costs, and ask them in
good faith what are your observations here. So,
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it's really -- it's a -- it's a group of kind of
you could almost say conflicting interests that
got together all with a different point of view.
I mean, it's -- you know, you have regulators and
people who do the business. How I got it, I was
just asked, you know. I was called up because I
do a lot of development.
MS. NUBERT: By the -- by the City?
MR. FULLENKAMP: By the NRD.
MS. NUBERT: By the NRD?
MR. FULLENKAMP: Right. And they
said the --
MR. PETERMANN: The Partnership --
MR. FULLENKAMP: The Partnership,
they said --
MR. PETERMANN: The Partnership
members of the different cities and so on talked
and said, let's invite these people.
MS. NUBERT: Okay.
MR. FULLENKAMP: Right.
MR. PETERMANN: Is that it? I think
we better --
MR. FULLENKAMP: Right. At least,
that's how I got involved.
MR. PETERMANN: I think we better
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move on.
MS. NUBERT: Let me make one closing
comment, and my concern is that -- and I think it
was stated earlier, but you all have a personal
interest, and that is somewhat my concern, is a
personal interest on an economic side of this.
And I really feel like a lot of the Joe Public
was left out, and the land owners, property
owners, and I realize that you probably are both,
also a property owner, but you all do, from what
I can see, as I look at the list, all have a very
personal interest economically in this.
MR. JENSEN: I don't know if this
helps put some of this in prospective but --
THE PUBLIC: We can't hear you.
THE PUBLIC: Can't hear you.
MR. JENSEN: Is this better? Okay.
I'm not sure if this helps put things in
prospective, but I think that one thing that
might be helpful is if everyone understands that
all of these groups, all of the cities and
counties in this Papillion Creek area work
together and meet with -- meet with each other on
a regular basis to discuss all kinds of issues
that are of joint concern to the cities and the
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counties in the area.
2 And, so, when this issue of water
3 quality came up, it was discussed many different
4 times and in many different forums leading up to
5 the point where all of the communities have to do
6 something. And, so, everyone is under a Federal
7 mandate to do something about this. And it was
8 clear that you couldn't do it by yourself.
9
10 And, so, who decided what when, I think
11 part of the reason that Marlin and everyone else
12 is having a little bit of trouble saying, well,
13 this is the date, this is the place, this is who
14 made the decision, is because it came out of a
15 whole series of discussions that occurred over a
16 prolonged period of time.
17
18 And when it came to deciding who served
19 on that committee, each of the -- and you have to
20 understand, there's a Partnership group, and,
21 then, it keeps layering. It keeps working down
22 to committees, and other committees, and so on,
23 and so on, and so on. So, the communities
24 decided to get together to do this because we
25 knew that we couldn't do it on our own and what
26 we did would affect the communities downstream
27 and upstream and so forth. And, so, it makes
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1 sense for the group to get together and work
2 together to come up with a common solution.
3 And each community selected the members
4 of the Partnership. The members of the
5 Partnership decided this is the process we should
6 follow. The Partnership group, then, decided who
7 should be on the committee in terms of the
8 general maintenance of the committee.
9
10 And I guess I disagree with the idea
11 that we're all economically involved. I guess to
12 the extent that if you're a city official from
13 the City of Omaha or a county official from
14 Douglas County or Sarpy county, I guess we're
15 economically affected, just as all the rest of
16 you are economically affected, but in terms of
17 whether or not we're going to, you know, have a
18 particular amount of money that is -- whether or
19 not our paycheck is affected or whether or not
20 we've made a certain amount of money is certainly
21 not affected by the decisions of that committee
22 any more than it would be for all of the
23 taxpayers for the cities, all of the taxpayers in
24 the counties.
25 And, so, hopefully, I, you know -- I
26 think, you know, we try to do the best we can to
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1 represent the taxpayers of our own entity,
2 whatever entity that might be, whether it's the
3 City of Omaha, or Douglas County, or Sarpy
4 County, or LaVista, Papillion, or whatever
5 jurisdiction is involved. And I think if you
6 look back on that list, you'll see primarily
7 public officials as opposed to developers, or
8 development attorneys, or someone who makes their
9 living doing development.
10 So, I don't know if that helps, but, I
11 guess, I get this feeling that the public has the
12 impression that there's this behind-the-scenes
13 effort by a group of developers to try and decide
14 what to do, and it really is not that kind of
15 situation. It's a situation where the Federal
16 government said, this is something you need to
17 do. We worked through a process to try to figure
18 out how to do that. So, again, I don't know if
19 that helps or not, but, hopefully, it helps put
20 some things in prospective.
21 MR. PETERMANN: Okay. A couple of
22 our next speakers, Bob Davis, and Lisa Hankey.
23 First, though, we have Tracy Makens.
24 MS. MAKENS: Yes. First of all, I
25 will say I am personally involved in this. It
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1 does personally affect me. I'm a taxpayer within
2 this NRD. I'm a taxpayer within Douglas County.
3 I am a taxpayer within the Bennington School
4 District. I also have property which one of your
5 so-called required or developed dams will be on,
6 so I am personally affected.
7 My question and concern is about the
8 policy of the storm water management finance in
9 the sub policy of No. 3. First of all, 3C1 is a
10 low density residential development, talking
11 about the fees which was discussed by Mr.
12 Christensen about $500 for each dwelling, as well
13 as the 3C2 is the high density development, which
14 will require $2,625 per acre per development.
15 Personally, I do not believe that these fees
16 should be assessed, because I don't think that
17 the run off needs to be controlled by dams.
18 But if they are controlled or if they
19 are assessed, is there a possibility that local
20 government bodies could implement and collect
21 these fees on their own without the Papio Creek
22 Watershed Partnership and utilized for their own
23 fees and gathering for local storm water surface
24 run off management? Why do they need the
25 Partnership to work with this run off, Federal
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mandate.

MR. PETERMANN: Okay.

MS. MAKENS: I'd ask that for anybody.

MR. JENSEN: I guess I'll give it a shot, and then, if anybody else can jump in. As was mentioned earlier, watersheds and jurisdictional boundaries and -- will cut across one another. So, you could have a watershed -- for example, you live in Bennington, you could have a watershed for one of the dams where a part of that watershed is in Bennington's jurisdiction, part of it might be in the City of Omaha's jurisdiction. It's possible part of it could be in Douglas County's jurisdiction. So, you could have, in that case, as many as three different jurisdictions. All of whom are trying to figure out how to control run off and how to manage water quality in that -- in that watershed.

And, so, part of the difficulty of one group trying to collect the fees and construct a dam, or water quality basin, or whatever the decision is to do, is that you have this cross-jurisdictional issue that doesn't always fit with THIBAULT, SUHR & THIBAULT OMAHA, NEBRASKA (402) 331-2500

the watershed. And that goes back to the core problem that we had in trying to accomplish anything on an individual basis. You just really need to work together in order to make those things work.

And, so, if you're going to collect fees, you could collect them -- in fact, the communities would, essentially, collect them, but, then, make those fees available in sort of a pot to do whichever, the water quality basin, the dam, or whatever the project is the next one on the list.

And I guess if I can just throw into this as well, and, again, this is something Marty said earlier, the assumption is right now tonight that the decision has been made to build, you know, every one of these dams, every one of these water quality basins, everything exactly according to some plan. And all of those things have to -- each one of those decisions has to be made down the road.

There isn't a plan at the moment that says, this is Dam No. 1, this is Water Quality Basin No. 2, this is so forth, and so on, and so on. That hasn't been done yet. So, there are THIBAULT, SUHR & THIBAULT OMAHA, NEBRASKA (402) 331-2500

many, many, many more steps that have to come before any dime is collected or anything ever gets built, but that's the reason.

MS. MAKENS: So, the answer would be, yes, they can do it on their own?

MR. JENSEN: But they could collect.

MS. MAKENS: And -- and work with it within their own jurisdiction?

MR. JENSEN: Yes, but -- but let's take an example --

MS. MAKENS: I just need a yes-or-no answer. So, the other thing is you talked about how you're not going to have -- you don't know for sure whether these water basins, reservoirs -- or if you want to call them dams, that's what I want to call them, that you don't have a plan on that right now, and we're standing here tonight addressing policy, and whether we should accept that, because we have only a few times to provide public input, and that input is only put on paper and not listened to? Okay.

That's a rhetorical question.

My second question which I have on the back of that card has to do with the sub policy 3G and 3H. 3G gives the bonding authority to the THIBAULT, SUHR & THIBAULT OMAHA, NEBRASKA (402) 331-2500

NRD. And 3C talks about the structures and water quality basins to work with private -- public/private partnership agreements, basically, the NRD working with developers. I don't need to spell it out. Everybody has the paper in front of them. My comment is this policy -- these policies most certainly do not appear to be in the best interest of public or greater good, instead it appears to me as though my tax dollars and everyone else's tax dollars will go to support developers.

I don't know if anyone realizes, but according to CNNMoney.com in 2005, Nebraska was ranked eighth highest in the state for state and local taxes. I don't think that they need to be ranked any higher at this point in this category. Personally, I would much rather see my tax dollars going to efforts of supporting education in my community than to line the pockets of developers and the NRD and to give them the power, whatever -- although it may be called the last resort, to use eminent domain.

I don't feel like I'm the only one standing here. So, I would just like to find out if I'm not alone by a show of applause how many
1. Here tonight disagree with the policy to give the NRD bonding authority or the policy to utilize eminent domain. I apologize. That really wasn't a question.

MR. PETERMANN: Yeah, it wasn't.

2. Thank you. We'd like to move on. I have a card here, do not wish to speak, but I will read the question, what determines the fair value of land and properties? Land in this area is selling from 35- to 45,000 an acre. I guess, the first thought is, again, the thought is working with developers, and, basically, developers will buy the land. And, so, it's a negotiated price.

3. It's based on the going market value. And, then -- so that, I guess, at this time, in most cases, that's what we would determine the value is, the going market rate in those areas that are paid for developing. Any thoughts? Okay.

4. Moving on, then, we have Bob Davis.

5. MR. DAVIS: My name is Robert Davis.

6. I live in the Gretna area.

7. MR. PETERMANN: Maybe come a little closer to the mike.

8. MR. DAVIS: The dam site WPRB4 is of interest to me. I represent, by speaking with THIBAULT, SUHR & THIBAULT OMAHA, NEBRASKA (402) 331-2500

9. Other individuals, that live in the existing area down from that, that is the South Papio Creek, southern end in Sarpy, south of 370. There's a lot of development that's going on in the Gretna area as well as the other parts of Douglas, Washington, and Sarpy Counties. In the past several years of being involved and living in that area, the natural watershed area, we have seen water flood issues in the watershed where we can get X amount of water flow or hundreds of thousands of gallons per minute with a six-inch or an eight-inch rain. I am going to submit now a CD with about 136 photos of what a 1.5 inch rain did to the area. I would like to also submit some hard copies.

10. I would like to point out that we've been working with LRA that is doing developments to the north of the area and working in conjunction with developments to the west. By developing the areas, you've created a situation to where we have -- this is the end product of the dams that the existing infrastructure people have to deal with the development that come in around the area.

11. With you putting in storm, and streets,

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and rooftop, and gutters, there is no absorption. We now have an accelerated and a very aggregate -- a very frightening amount of water flow. It is not moving at one to two miles an hour anymore. It's now moving at 10 to 15 miles an hour. It's moving huge pieces of branches and trees through areas that it shouldn't be. It's taking down fences and doing all sorts of irreparable damage. The LRA group has been working very diligently with the City in trying to improve some of the areas in the infrastructure.

12. I guess I want to do two-fold; I want to make comment public to the dangers and the safety of the area. We've got public power and infrastructure running through that area to routinely the power infrastructure and boxes are buried in water with children playing through them. I think that enlightening probably got brought to your folk's attention.

13. I guess I -- the question comes to be, because we are now in communications with the City and the City's engineer, what involvement you folks are going to have in the near future of working with us and in making the possibility of THIBAULT, SUHR & THIBAULT OMAHA, NEBRASKA (402) 331-2500

14. this retention pond to the north? You're going to have a lot of development of that infrastructure. Gretna's a huge and growing area. You're going to have a lot of growth to the east. It's moving all the way over to Wehrspan Lake. There is imperfections in elevations with one to two feet going to the east of our area, which is impeding, of course, so hydraulically we have an issue.

15. Sedimentary, I'm listening here tonight about sedimentary controls. I would like to tell you that we have a one- to a two-foot sedimentary growth in our area to where the creek used to sit within five to six feet of its area to where it's now within 150 to 200 feet. It's the length of this room. And it's moving a ton to 12 miles an hour. That is a frightening reality that we are dealing with. And we want to know what the NRD is going to be looking at in working with the City of Gretna to do this. I formally want to submit this information to the group so that they can deal with it.

MR. PETERMANN: We appreciate that.

16. And we will accept those. And I think the problems that you're indicating that development THIBAULT, SUHR & THIBAULT OMAHA, NEBRASKA (402) 331-2500
1 creates are the very problems that these policies
2 are meant to address, and we will be --
3 MR. DAVIS: I would like to publicly
4 comment that the City of Gretna has aggressively
5 been working with our group, as well as the City
6 engineers. In no way do we want to put any type
7 of a negative point on their involvement working
8 with us. I just want to point out and bring it
9 to your attention in a public forum that we want
10 to continue working and involve you folks in
11 making something happen to responsibly control
12 that area that Federally mandated you should be
13 responsible for dealing with.
14 MR. PETERMANN: The -- that's why
15 the Partnership formed. We're together. Gretna
16 is part of the Partnership. And through that
17 Partnership, we can solve problems like this,
18 those flooding issues. And I think that's --
19 that's one of the intents. We can work at it
20 regionally.
21 MR. DAVIS: Thank you very much.
22 MR. PETERMANN: Thank you. We have
23 the -- then, Lisa Hankey, and after that, Paula
24 Smalley, and Lowell Smalley, so, Lisa.
25 MS. HANKEY: Hi, my name is Lisa
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1 Hankey. I live on Dutch Hall Road out by
2 Bennington. And my question is for you this
3 evening regarding the administration of the
4 Partnership, and I was wondering who is
5 monitoring the funds going in and coming out of
6 the PCWP, keeping in mind that the funds going in
7 are taxpayer dollars. And I was curious where we
8 will be as, like, a person would be able to see
9 those transactions. And, also, I'm
10 questioning -- I have concerns if -- if there'll
11 be like a watch dog system for that, once again,
12 because being a taxpayer, I'm concerned with
13 that. And I'm questioning that three-year review
14 period you were talking about, just wondering if
15 it should be more than that. A lot can happen in
16 three years.
17 MR. PETERMANN: Maybe we'll try
18 to -- the first one there is who monitors the
19 funds of the Partnership? As the -- of course,
20 each entity, each city and county monitors that,
21 but as far as the flow of money, since the NRD is
22 the administering entity, all funds flow through
23 the NRD, and any expenditures flow through the
24 NRD. So, any contingent expenditure, and so on,
25 and revenue goes through the NRD, and the NRD
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1 finances and budgets. So, that would be the one
2 place to see it specifically.
3 Of course, each Partnership member, city
4 and county, contribute a certain amount to the
5 Partnership each year, and, so, you'd see that in
6 and out of their budget like the City of Omaha,
7 City of Bellevue, and so on, but all these things
8 you should see in the NRD budget. One entity had
9 to be picked to kind of be the banker in a way,
10 and the NRD is that. The -- so, that'd be the
11 place to find the transactions.
12 As far as the review of the every three
13 years, anybody? That's too short, too long?
14 MR. HOLM: The three-year period
15 really envelopes the template that we were
16 looking at was the -- one of the templates that
17 the committee was looking at was really patterned
18 after the City of Omaha's interceptor sewer
19 program, and, also, the arterial street
20 improvement program. Those particular programs
21 have fees that are paid when new development
22 happens, and they are on a three-year cycle,
23 where that is evaluated every three years. And, so,
24 that's basically where that three-year period
25 came from. It's not an arbitrary number.
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1 And if you remember back in part of the
2 presentation, there was a big emphasis, and one
3 of the things I guess I'll just reiterate here,
4 is that it's going to be essential as we go
5 forward from this point to be able to figure out
6 what the implementation strategy is going to be.
7 And part of that implementation strategy has to
8 do with coordinating it.
9 If anything's built, any type of a
10 structure dealing with water quality and water
11 quantity has to be built in conjunction with the
12 logical extension of other infrastructure like
13 sewers, sanitary sewers, water supply,
14 transportation systems, and so on. You can't do
15 this just independently. And, so, hopefully,
16 that three-year cycle will also somewhat coincide
17 with the three-year cycles that we're going to
18 look at for those other infrastructure programs,
19 namely the transportation with the arterial
20 street improvement program, and the sanitary
21 sewer, interceptor sewer program so --
22 MR. PETERMANN: Thank you very much.
23 Go ahead.
24 MR. JENSEN: I'd like to add one
25 more thing to that, just so that following up on
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1 what Kent just said, and a little bit on
2 something that was said earlier about the -- this
3 fund benefitting the developers, the development
4 community.
5 THE PUBLIC: We can't hear you, sir.
6 MR. JENSEN: Can you hear me now?
7 THE PUBLIC: No.
8 MR. JENSEN: How about this?
9 THE PUBLIC: Yes.
10 MR. JENSEN: All right. The -- part
11 of -- part of what Kent was just talking about is
12 that we have, since 1975, had a plan in the City
13 of Omaha for the extension of interceptor sewers.
14 And the choice when it comes to the cost of
15 extending interceptor sewers, you have a couple
16 of choices. One is you could ask the taxpayer of
17 the City of Omaha to pay for the extension of
18 those sewers that would, then, serve the
19 development, or you can ask that new development
20 pay for the extension of those sewers. And, so,
21 the decision was made back in 1975 to have the
22 extension cost of those sanitary sewers paid for
23 by new development. So, there is a fee that is
24 imposed on new development to pay for the
25 extension of those interceptor sewers.

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1 Over time, we looked at other needs that
2 we had; park needs, street improvement needs, and
3 new storm water needs. And, so, the question
4 became, again, do you have the general taxpayers
5 pay that cost, all of it, part of it, how much of
6 it, or do you have new development pay that cost,
7 all of it, part of it, how much. And what Kent
8 is referring to is we have developed new over
9 time fees for sanitary sewers, fees for new
10 parks, fees for widening of streets, and if this
11 program moves forward, fees for a storm water
12 management. And those fees are imposed on new
13 development. So, it's paid by the new
14 development into the fund.
15 Now, in the case of storm water, we
16 talked about there's a general benefit. There's
17 a downstream benefit to the downstream property
18 owners who might be protected by a dam upstream.
19 And, so, there is more of a general public for
20 that than there may be from the extension of an
21 interceptor sewer, which really benefits
22 primarily the people who are going to hook to
23 that sewer upstream. And, so, there's probably a
24 reason to have some general tax dollars go into
25 that because it protects those taxpayers

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1 downstream.
2 So, I just wanted to tie in back to this
3 rollover of every three years. That's the
4 purpose. That's the reason we do those reviews
5 every three years. Are we on target? Do we have
6 enough money? Is it enough to pay for the next
7 extension, the next street widening, and so
8 forth? So, that's the how the three years came
9 about.
10 MR. PETERMANN: Okay. Tyler Moore
11 will be third up. First, we have Paula Smalley.
12 MS. SMALLEY: Hi, I'm from Omaha,
13 Nebraska. I'm a land owner that's being affected
14 by these dams. And I have one question, why
15 aren't the affected land owners notified of the
16 possibility that a dam site might be constructed
17 on their private property? I found out from a
18 neighbor.
19 MR. PETERMANN: I can maybe take a
20 first shot at that.
21 MS. SMALLEY: Go ahead.
22 MR. PETERMANN: And the -- Kent can
23 fill in here. Again, I think the plan is that
24 these will be constructed with development, so,
25 probably, the property owner we're going to be

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1 working with is the developer. The developer is
2 going to be there first. It's really the plan.
3 So, we really -- it's not -- it's really kind of
4 an issue of will your property, and I don't mean
5 to be crass or anything here, but, really, it's
6 looking at will your property be houses, or will
7 it be a lake? It's not whether it's a farm or a
8 lake, it's whether it's houses, because it would
9 come with development. I don't know. Any --
10 that's the idea.
11 MS. SMALLEY: It's so easy for you
12 to say that, but you're talking about a whole
13 life.
14 MR. PETERMANN: I -- I own a farm in
15 central Nebraska, I know.
16 MS. SMALLEY: And that's just --
17 THE PUBLIC: Well, that's too bad.
18 MS. SMALLEY: You know, that just
19 doesn't --
20 MR. PETERMANN: I'm sorry.
21 MS. SMALLEY: It doesn't excuse you
22 for not allowing the people to know and to be
23 informed who they are. I mean, for me to hear it
24 from a neighbor, and it was just recently, our
25 property was just recently added. And I find it

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1 so -- we had no opportunity to learn about all of 
2 this that's been going on for several years. I 
3 think that's unjust and unfair, don't you think? 
4 MR. PETERMANN: We sure 
5 appreciate -- 
6 MS. SMALLEY: And is there any way 
7 that can be done once just going to just 
8 continue to happen? And do you have to wait ten 
9 years until you decide who's going to be 
10 affected? 
11 MR. PETERMANN: I think it's when 
12 development may come to your area. 
13 MS. SMALLEY: Oh, so, we're going -- 
14 okay. I'll remember that. 
15 MR. PETERMANN: That's the intent. 
16 Well, any thought, John? 
17 MR. FULLENKAMP: I just wanted to 
18 add something, and I suppose everybody will boo 
19 at this, I think there's a sense that somehow the 
20 developers sat around and said, you know, here's 
21 where we think these -- here's where we think 
22 these facilities ought to go. The reason that I 
23 was on this committee on behalf of clients who do 
24 development is, A, because I was asked to; 2, to 
25 come up with a -- recognizing the way development 
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1 has occurred in Omaha and the way there's been no 
2 spirit of cooperation with regard to extension of 
3 sewers and the orderly construction of streets, 
4 that it made sense to participate in that as it 
5 regards the issue of quality and quantity of 
6 water. 
7 I -- if I owned affected property, I 
8 would be out here to the NRD saying, why did you 
9 put it here? To me, in most instances, maybe I'm 
10 wrong here, it's the geography that dictates 
11 where these are, because they're generally at the 
12 bottom of the hills where the water flows in a 
13 geographic and -- region or area that dictates 
14 it's to be there. If I were a land owner and I 
15 didn't think that was true, I'd be coming in and 
16 saying, it shouldn't be here, it should be a mile 
17 over, because that's what the geography is. 
18 And -- and whether you believe this or 
19 not, the purpose of anybody that has anything to 
20 do with development on this committee was not to 
21 sit around and say, we'd like you to put a 
22 structure here, and we'd like you to put a 
23 structure here, and in return for that, we'll 
24 participate in paying some fees. We, you know, 
25 the development community, believed as a 
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1 fundamental policy, not knowing where anything 
2 was or it was going to be, that it made more 
3 sense because of all of the jurisdictions, 
4 because of the difference in geography around 
5 here, that a more consistent equalized approach 
6 to everybody paying rather than, you know, one 
7 development that happened to have a creek on it 
8 that eventually would become a dam site having to 
9 deal with that. 
10 And, so, you know, there wasn't 
11 any -- any inclination to say, put them here. 
12 That's the -- yet to be determined. I think 
13 that's a matter of hydraulics and whatever good 
14 hydraulics are, and good drainage policy is. 
15 You know, the clients that I represent, 
16 we haven't developed around a lake yet, and don't 
17 intend to, but, yet, my personal clients are 
18 probably paying half of this fee every year. 
19 It's simply because it seemed better to develop 
20 it on a regional basis with all of the 
21 jurisdictions rather than each development have 
22 to do a one- or two-acre pond, you know, out in 
23 front that's hard to maintain, and breeds 
24 mosquitos, and really doesn't add a quality of 
25 life. Sure, it serves the function, and it would 
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1 control the water, and it would meet all the 
2 policies, it would meet all their regulations, 
3 and all new guidelines, but it just really seemed 
4 that as an overall policy that regional detention 
5 made more sense. 
6 Now, I can certainly understand if I 
7 were the one that was under the blue spot on the 
8 map, where that would be difficult. So, I think 
9 anybody who is affected like that, it may be that 
10 there's nothing you can do about it in certain 
11 circumstances, because you just happen to be 
12 where all the water flows. There may be other 
13 circumstances -- 
14 MS. SMALLEY: But that's the 
15 situation -- everything you're saying, I 
16 understand. If that's the case, why weren't land 
17 owners told about it early on? 
18 MR. FULLENKAMP: I honestly don't 
19 know the answer to that question. All I know is 
20 the -- 
21 MS. SMALLEY: Who does? 
22 MR. FULLENKAMP: The map says that -- 
23 MS. SMALLEY: Who does know the 
24 answer to that? 
25 MR. FULLENKAMP: Well, then, I'll 
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get you back to who somebody who maybe does. But the map says --

MS. SMALLEY: Who would?

MR. FULLENKAMP: -- as to where the probability of these darn dams have been around for years, hasn't it? A lot of them have.

MR. PETERMANN: Some of them but --

THE PUBLIC: 30 years ago, the Corps of Engineers --

MR. PETERMANN: Maybe, ma'am?

THE PUBLIC: -- deemed them not necessary. I thought this was public input.

MR. PETERMANN: If we could limit it to when we bring someone to the mike, I'd appreciate it.

MR. GRATE: Marlin?

MR. PETERMANN: Yes.

MR. GRATE: In terms of the map that's associated with the policies, we were kind of in the chicken and the egg situation here in terms of trying to get people to think about whether the policy made sense. And what a lot of people really wanted to see, including the task force members, the work group members, was, okay, if we adopt a policy that includes as a part of THIBAULT, SUHR & THIBAULT OMAHA, NEBRASKA (402) 331-2500

it regional storage, the dams, as part of the policy said, how might it work? What might it look like? We can't really get our arms around it, how that might work.

We understand that regional facilities can provide a level of flood control for a very large storm that, perhaps, a system of many, many smaller facilities can't reasonably recreate.

So, there may be some advantages, but how might it look? And, so, we came up with this map and said, here are some of the facilities that technically they were being sold, here are some other similar areas that may be feasible. These 29 sites might be a concept that would work.

The policies that we're adopting here called for further study and refinement of a plan that would be approved by all of our local officials that would say, yes, we are going to build this facility, and it may not even be on the version of the map we're looking at today, but we're going to build this because it's time to address development that's occurring, acquisitions that have been made by the development community, and site a location there.

At this point in time, what we're not saying is THIBAULT, SUHR & THIBAULT OMAHA, NEBRASKA (402) 331-2500

that these facilities on this map have been decided to be either technically sound or necessary.

MS. SMALLEY: So, to go back to the property -- person that owns the property.

MR. GRATE: Okay.

MS. SMALLEY: That puts a cloud over a person's property.

MR. GRATE: Okay.

MS. SMALLEY: So, if anybody wanted to move out of the state or do something else with their life, they're stuck with that cloud over their property. I mean, what -- tell me what a person's supposed to do about that. I don't know. If I owned a 1,000-acre farm or a ten-acre farm, what is a person supposed to do?

And how fair is that to the land owner? And how long do we have to wait?

MR. PETERMANN: It's -- it's very similar to a comp plan process where county boards zone your property, county boards put comprehensive plans on your property, and there's public input to that, and there's public comment to that, but somebody has to make a decision.

It's very similar to that. And I think we're THIBAULT, SUHR & THIBAULT OMAHA, NEBRASKA (402) 331-2500

going to need to move on from that subject. I think we tried to address it. We appreciate that comment, and we'll look at that further.

We have third in line David Booter. Our first is Lowell Smalley.

MR. SMALLEY: My name is Lowell Smalley, I live at 9620 North 132nd Street in Douglas County.

MR. PETERMANN: Can you get a little closer to the microphone, please?

MR. SMALLEY: Sorry.

MR. PETERMANN: Thank you.

MR. SMALLEY: I think that first of all I wanted to tell you that I appreciate the courtesy and the conduct of this group right here. It's apparent that you guys have not been to any NRD meetings. That's just the opposite of that meeting. The people are rude and really not accepting of what the public really has to say.

It's been my experience, I've only been involved within the -- I'm very naive to all the processes going on here. And there's been a conflict I've heard -- I've heard over and over from you gentlemen that this is just a concept.

At the NRD meeting, it's my perception, sitting THIBAULT, SUHR & THIBAULT OMAHA, NEBRASKA (402) 331-2500
1 at the meeting, as the discussion was going on,
2 they asked the attorney, if while we're going
3 over the policy, they asked their attorney, this
4 gentleman did, whether or not that these policies
5 are adapted, if those dams will be built. The
6 attorney said, it's written in stone, that's a
7 quote. So, why do we feel the way we do?
8 Because that's what they said. So, you weren't
9 there, we were.
10 So, I have other -- other questions, and
11 they may seem like they're not very important to
12 you, but to me they are. We're talking about the
13 future development in -- of this whole area, and
14 that the -- the growth of the population in these
15 areas is going to fill up. And you're going to
16 put these little watersheds that I don't see any
17 concern about the storage of water, none
18 whatsoever. I mean, the health concerns that are
19 mandated by these kinds of things are more
20 important every single day.
21 We have West Nile virus. We have toxic
22 algae. Nobody's addressed any kind of these
23 concerns. These are little concerns to you right
24 now, but, in fact, the public gets sick, the
25 public is affected by this, both economically and

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1 health wise.
2 There's a school being developed within
3 one mile of two of the land -- two of the dam
4 sites. I think that these concerns -- these
5 things concern me, and I think they should be
6 addressed.
7 You've answered many of the questions
8 but I did want to ask, who purchases the land?
9 It's the developer. So, who initiates the
10 developer to come out to talk to me? Where do
11 the funds come from to pay for the land? Is
12 this -- is this helped by the NRD, or does the
13 NRD contribute money to buy the land, help the
14 developer? What is the interaction here? Is it
15 a legal action? Is it something that we as
16 taxpayers need to be informed of?
17 And the most important thing is
18 Cunningham, as the example, it's been gone over
19 and over today. The cost, the 200 and some
20 million dollars is just the tip of the iceberg.
21 You people are presenting this like this is just
22 what it's going to cost, and it's over with.
23 It's not over with. It's just beginning. I
24 don't think that the entities that you're
25 representing are aware of that. And I would like

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1 the budget, if the money that might be available
2 then, or it's in a sensitive area that needs
3 that. And, then, it would be the NRD that would
4 acquire that.
5
6 Now, if it happens to be where somebody
7 would be looking to develop, and we all know that
8 land is in the 35- to $40,000 for land that's,
9 you know, close to existing development. And I
10 think the NRD has suffered over the years because
11 of that pressure. And they've had to pay for
12 land that went underwater the same prices that
13 people paid for land that was above water.
14
15 And, so, if somebody came along, and,
16 you know, 90 percent of the land that they
17 were -- they farmed that might have been for sale
18 would be part of a dam site, and, then, some of
19 the rest of it, out, the way it would probably
20 work, and in most times, the water -- the land
21 that is sold to the NRD is sold probably at a
22 cheaper price than the developer might pay for
23 the whole thing; if, in fact, he gets to have,
24 you know, lots along the shore line.
25
26 I really don't think you're going to see
27 as much of that kind of development, and I
28 realize that might be easy for you folks to think
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1 MR. PETERMANN: It's got one little
2 one north.
3
4 MR. FULLENKAMP: But it doesn't have
5 near the water quality --
6
7 MR. PETERMANN: Water quality
8 basins.
9
10 MR. FULLENKAMP: -- water quality
11 basins that the rest of them do. And, so,
12 there's the bigger dam site, there's the water
13 quality basins. So, the water quality basin is
14 to protect the big dam site that protects the
15 whole drainage area. At least, this is my
16 concept of it. And, again, the consensus was
17 that made more sense than having every
18 subdivision that came along have a one-, or
19 two-acre, or three-acre, you know.
20
21 I just got back from Chicago. They got
22 these things everywhere. I mean, every mile,
23 you've got, you know, a two-acre -- some of them
24 look nice, you know. Some of them look awful.
25 And, so, it was just a thought to do kind of an
26 overplanning with all the jurisdictions. I don't
27 know if I answered your question. I was trying
28 to answer your question the best I can.
29
30 MR. GRATE: Let me try the
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1 that I'm saying that, but it's not as popular a
2 thing as it was. It didn't certainty work out
3 for the developer on the project out north. It
4 may have worked out for a flood control at the
5 Newport Landing, so I don't know. I hope that,
6 at least, gives you some --
7
8 MR. SMALLEY: It does, but when we
9 talk about addressing the toxic algae, and West
10 Nile virus, and all the kinds of things, you're
11 talking about several small detention sites.
12 These detention sites are 15-acre lakes versus
13 mud that's being collected and sludge places.
14 These are going to be ideal places for mosquitos.
15
16 MR. FULLENKAMP: Two kinds just --
17 can you hear me now? There's two kinds I think
18 you're talking about; No. 1, if we go back to --
19 can you hear me if I just speak up?
20
21 THE PUBLIC: Yeah.
22
23 MR. FULLENKAMP: I mean, we've
24 talked about Cunningham, and Cunningham doesn't
25 have any of the pre -- let's call them pre-lakes,
26 you know, the 10 and 15.
27
28 MR. SMALLEY: What's that lake
29 that's just north?
30
31 MR. FULLENKAMP: I don't know.
32
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1 microphone. I think it's important to address
2 your first question, which if I understood it
3 was, why are you hearing conflicting messages at
4 NRD meetings than what you may be hearing tonight
5 from other sources, and I totally agree there
6 have been mixed messages floating around and
7 misinformation. I want to try to give you a
8 little insight as to maybe some of that
9 occurred and why we're here today.
10
11 When we, you know, the work groups and
12 the Partnership developed and drafted these
13 policies, like I said earlier, we put together
14 this map as to how we went forward, trying to
15 meet the deadlines to address the mandate part of
16 it, the water quality things. We first decided,
17 well, let's take this plan, this map, that has
18 some possible sites, identify a handful of them
19 that look like they're pretty good to go, draft
20 an agreement, which was shared -- a draft
21 agreement was shared with the NRD board that
22 said, this is how we can begin to implement this
23 and get a start on it, understanding that many of
24 the structures on there require a lot more review
25 on the way down the road. We went through that.
26 We provided that information.
27
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1 Marlin briefed the board on this, this.
2 is a way we can start it, and included adopting a
3 method that is no longer part of this package,
4 but, which was actually the initial
5 implementation strategy. The reaction from the
6 NRD board, and, certainly, the reaction from my
7 City Council, my elected officials, the County --
8 Douglas County had the same concerns as you're
9 going too fast.
10 And getting back to some of the issues
11 the lady mentioned earlier, we need more public
12 input before we can move forward on those
13 implementation issues. That's the reason for
14 this meeting tonight. And that's the reason that
15 those binding sort of aspects of this are no
16 longer part of the package that we're looking at
17 today. They're difficult issues. They're going
18 to require a lot more technical study. They're
19 going to require a lot more input, public input.
20 That's part of the reason we're here today.
21 MR. SMALLEY: Okay. Now, is the NRD
22 aware of what you just told me, because this
23 happened within the last month or six weeks?
24 MR. GRATE: I think there continues
25 to be some misunderstanding about what are and
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1 aren't. We can go back to the slide show
2 presentation that Lyle gave, there was a list of
3 things. This is what the policies do, this is
4 what they do not do. And the slides that they
5 showed that said what the policy does not do is
6 it does not commit us to build any specific
7 structure nor does it eliminate opportunity for
8 future public input. That's necessary, and we
9 recognize that.
10 MR. SMALLEY: So, is --
11 MR. PETERMANN: I think the NRD
12 input was on an agreement, not on these policies,
13 so it was a totally different issue.
14 MR. SMALLEY: Say that again now.
15 MR. PETERMANN: It was on an
16 agreement that would be more binding in
17 implementation. It wasn't talking just about
18 those plan policies, this plan Marty was trying
19 to make.
20 MR. SMALLEY: You mean four weeks
21 ago or six weeks ago, there was a --
22 MR. PETERMANN: Two months ago,
23 let's put it, that's when it was, and there was
24 consideration of an agreement.
25 MR. SMALLEY: It was subsequent to
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1 the Bennington meeting?
2 MR. PETERMANN: Yes. The Bennington
3 meeting was about --
4 THE PUBLIC: A month ago.
5 MR. PETERMANN: April, that's four
6 months ago; three or four months ago, yeah.
7 MR. SMALLEY: Thank you.
8 MR. JENSEN: You know, if I could
9 just -- one more thing on that, I think that what
10 you're hearing is that -- the problem, I think,
11 that we ran into by trying to go all the way to
12 that agreement right upfront was that people
13 didn't have an opportunity to understand why we
14 were even doing that, let alone get all the way
15 to an agreement. And I think that's why all of
16 the entities said, that's too far. Let's not go
17 that far. Let's step back and make sure that we
18 have people understanding what it is that needs
19 to be done so we can move forward, because if we
20 don't have an understanding, we're never going to
21 get there.
22 So, I think that you make a point. And
23 I think everyone here tonight that is concerned
24 about this process makes a good point in the
25 sense that if you had first had a series of
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1 public meetings that said, we've got a water
2 quality problem, what are the ways we can go at
3 that? Now, I think those meetings were held, but
4 not a lot of people attended, and from what it
5 sounds --
6 THE PUBLIC: We didn't know about
7 these meetings.
8 MR. JENSEN: Exactly. And people
9 who didn't necessarily feel that they had an
10 opportunity to really make a point, so -- but
11 part of the problem that we all have is that we
12 all have a responsibility, and we all have -- are
13 under the Federal mandate to do something about
14 water quality. And at the same time, we have a
15 problem with flood control and flood management.
16 We just heard a little earlier the problems that
17 come from new development.
18 MR. SMALLEY: Development, we
19 haven't heard one thing tonight about urban
20 watershed.
21 MR. JENSEN: Well, that was
22 difficult.
23 MR. SMALLEY: The gentleman said the
24 problems from urban watershed, but you guys did
25 not address that in any of your talk tonight.
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1 about watershed management.
2 MR. JENSEN: That's what this is all
3 about. We have two issues, and that is -- one is
4 water quality, that's the Federal mandate, but we
5 also have the issue of what do you do about run
6 off from urban development. And, so, that was
7 the pictures from earlier, and the gentleman has
8 pointed out earlier. And, so, part of what we're
9 trying to do is we're saying, okay, we've got
10 these two things we have to do. There are a
11 variety of ways to accomplish that.
12 Then, you heard Mr. Fullenkamp mention
13 the small ponds versus the larger ones, and there
14 are filter strips, and all of these various
15 methods. And, so, part of the problem is which
16 combination of methods are the best combination.
17 How do you get at this problem? And if you got a
18 mandate to do both something about water quality
19 and something about flood management or run
20 off -- storm water management, are there ways
21 that you can do those two things together, and
22 save money, and accomplish both at the same time?
23 And that's really going back to the policies.
24 And I think that's what Marty's trying to stress
25 and what everybody is trying to say is, forget

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1 was, perhaps, probably in our opinion better
2 managed, managed by a governmental unit, maybe
3 you don't agree with, but somebody was in charge
4 rather than nine different groups. So, there was
5 a consistent basis.
6 And, then, we embarked on a way, well,
7 if we're going to do this, and we're going to
8 take the next step from just getting by and
9 dealing with water quality and deal with
10 quantity, being flood control, what was the best
11 way to do it?
12 I -- as I said earlier, I can see if I
13 were a land owner and my land was under that blue
14 spot on the map, I would be in your chairs
15 saying, why me. Maybe this is a good idea, but
16 ought to be somewhere else, and maybe in some
17 instances it should be somewhere else, and maybe
18 in some instances, not. I don't know. And, so,
19 we didn't really pick -- we didn't paint the map.
20 MR. SMALLEY: Okay. That's just
21 fine, but you also didn't describe that you'd
22 done any of the research to see what was going to
23 be beneficial for the community. You just
24 supposed it made more sense to you, but I don't
25 see any statistics that say that.

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1 the agreement, let's work our way back, and let's
2 say, does it make sense to try to do something
3 with both of those at the same time? And, then,
4 how do you go about doing that?
5 MR. FULLENKAMP: If every one of the
6 other policies that we talked about, you know,
7 the creek setbacks, the low impact development,
8 the silt fences, all of that stuff, some of it's
9 implemented now and some of it's new, 90 percent
10 of this deal -- policy deals with no increased
11 rate of flow off of a piece of property is new,
12 you know. The buffer strips are new. The
13 modification of the creek back, opening the
14 greenways, and creek ways are new. These are all
15 new things that are part and partial of a whole
16 mosaic, if you will, that, then, you have to get
17 to the hard decision, you know, because those are
18 all the things we need to -- to do to deal with
19 water quality.
20 Now, the development community could
21 have stopped there and said, okay, fine, you've
22 done all this stuff you need to comply with the
23 Clean Water Act, and we're out, but it seemed to
24 make sense that rather than have one- or two-acre
25 ponds, that regional detention had because it

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1 MR. FULLENKAMP: And I didn't do
2 any. All I know -- all I know is, generally
3 speaking, they're at the bottom of -- they're at
4 the end of a drainage way or they're some place.
5 I mean, water flows downhill. It's an accident
6 of geography in many instances as to whether --
7 maybe I'm not --
8 MR. SMALLEY: You misconstrued what
9 I had to say.
10 MR. FULLENKAMP: Okay.
11 MR. SMALLEY: What I'm saying is
12 that you're saying that these larger dams are
13 better, how do you know that?
14 MR. FULLENKAMP: Go ahead.
15 MR. PETERMANN: Mr. Holm?
16 MR. HOLM: We did, actually, look at
17 that. And what we have done is we looked at
18 research, looked at other communities, and what
19 other communities are doing, and what other
20 communities are experiencing. Des Moines, for
21 instance, has a policy of no net increase, and
22 they have a number of individual storm water
23 basins, on-site detention, and they're learned
24 from their process, they're going to regional
25 basins. There's some places in Virginia, same

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thing, they've learned that only in not talking
about maintenance costs, not only maintenance
costs, but true functionality. What tends to
happen is these small basins tend to get
forgotten about.
I just literally came back from
Adventure Land, Altoona, Iowa, drive into town,
there's a Walmart right into the town on the main
drive. There's an eight-foot high chain link
fence with weeds just as high as the chain link
fence. It's a detention basin. I questioned
whether it would even function. And that's what
a lot of communities are finding is these small
basins get put off to the side, they're not
maintained correctly, they cost a lot to
maintain. And when they're needed, they don't
function correctly.
The other problem is the smaller basins
do a fine job of water quality or they can do a
good job on water quality, but they're small
enough that they don't do actual flood control.
So, if we want to go the step beyond water
quality to flood control stuff, the smaller
basins don't function in the same way that the
larger basins do.

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MR. SMALLEY: No, but there are --
MR. PETERMANN: Mr. Smalley, I think
maybe -- I've given you quite a bit of time. I'm
sorry, maybe you can sign up and come back again.
We really probably should get the benefit of the
others here. Thanks for your time and thoughts.
It was a good exchange.
We have Mr. -- or Jennifer Anderson is
third up. Tyler Moore?
MR. MOORE: My name is Tyler Moore.
And I'm a Douglas County taxpayer and property
owner. And our family has been involved with the
NRD back when the main concern in the NRD was
conservation.
I oppose the adoption of these policies.
I believe that there should be stronger language
to control additional run off from new
development. And it doesn't necessarily have to be
a two-acre mosquito pond. There's several things
that would work very well, and if they're
properly maintained like they should be, would
serve as a good alternative. That's the problem,
increased run off coming off new development.
That's where it needs to be addressed.
I believe you need to require a 100
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MR. PETERMANN: Thank you. A number
of points, any particular comments on any of
those? Okay?
1. I've heard on a number of occasions mention about the Partnership having authority. The
2. Partnership is nothing more than a collection of representations of -- of legal jurisdictions.
3. The Partnership itself has no voting or taxing authority whatsoever. It's just a representation
4. of staff to get together and try to solve mutual problems. The real authority lies with the
5. elected officials and the elected board.

MR. PETERMANN: Okay. Thank you.
6. Let's see, third on line here, Kathy McCune. I
7. do have a card here that did not wish to speak,
8. what will happen -- what will have to be done if this plan or policies are not adopted? What
9. would have to be done if these policies or this plan is not adopted?

MR. HOLM: If a particular entity didn't adopt the policies and they had an NPDES storm water permit that had certain timelines on it, that does open up the entity to potential penalties from NDEQ and EPA. That's one thing.
10. Certainly, it kind of puts that entity out of the loop in terms of being able to do things comprehensively in terms of storm water, as -- as the policies attempt to do here. It's kind of

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the short answer.

MR. PETERMANN: Okay. David Booter.

MR. BOOTER: Thank you. While I'm a resident of Washington County, I know that you said these policies only apply to Douglas and Sarpy, I'd be kind of naive to think that over the long haul, since we are within the Papio NRD, that they would not eventually have some effect on property in Washington County, plus as a taxpayer within the NRD, I also have concerns about it because my taxes, obviously, help to fund the NRD. So, I basically just have some comments.
11. The policy seems to say that construction of dams is the basic solution and the first line of defense for storm water management. A simple search of the Internet, and I've searched the Internet, and looked through some of these things, plus through my association with storm water policies when I was working with the Nebraska Forest Services, community forester, I know that some of the more forward thinking solutions across the country consider dams to be old technology. And, in fact, there's a lot of dams that are being removed in many cases in

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1. favor of more innovative solutions that are low impact and manage storm water on site, rather than designs that move water off the site as fast as possible. I feel that the policy as it now stands is flawed and shows a biased influence of developers over smart design. As a taxpayer, I'm opposed to its implementation as written.

I also have concern about the granting of bonding authority to the NRD and how that affects my taxes as a -- as a taxpayer. And earlier in the discussion, there was some talk that this policy doesn't require that these dams, the 29 dams, be built. And if that's the case, then, I think that you have to go on the very first page of the policy, down to sub policies under 3A, and delete the second two lines of that statement, where it says, development of a watershed drainage plan for Douglas and Sarpy Counties, and put a period there, and just delete the rest of that sentence, so that you don't have any reference to those 29 dams. And, so, those are my comments. I appreciate it.

MR. PETERMANN: Thank you. Third in line is Tim Dreessen, and, now, Jennifer Anderson.

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1. MS. ANDERSON: My name is Jennifer Anderson. And I'm a concerned taxpayer, land owner, and citizen living within the Papio Missouri River NRD. My concern deals with Policy Group No. 1, Sub Policy 3B, which means the Papio Missouri River NRD will seek general obligation bonding authority from the Nebraska Legislature to provide necessary construction scheduling flexibility.

My question is if the NRD is the controlling entity within the Papillion Creek Watershed Partnership and could be the authority to issue the general obligation bonds, an authority, by the way, which was never intended for NRDs to have, would these bonds be issued strictly for the dams that the Papillion Creek Watershed Partnership intends to build, or could the NRD use this bonding authority to issue the bonds for other dam projects, such as 1, and 3B, or other dams in Washington County?

MR. PETERMANN: The response to that is that as introduced and as approved by the board, it's to be used for flood control in the Papio basin, so it could be applied to Washington County. It could be anywhere in the --
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<td>1. MS. ANDERSON: Anywhere within the whole District? 2. MR. PETERMANN: I think it talks specifically, the way it was introduced, was flood control in the Papillion Creek basin. 3. That's the way I recall, anyway. It may say the whole District, but I think it relates to Papillion Creek as proposed. Now, the Legislature -- of course, that bill is no longer there, but will have to be re-introduced this year. 4. MS. ANDERSON: LB552? 5. MR. PETERMANN: 552, it's been on the last couple of years. 6. MS. ANDERSON: Do you intend to draft similar legislation for the four sections as was struck down in committee this past session? 7. MR. PETERMANN: The -- we plan to enact -- I can't think of the word, you can't enact it right now. 8. MR. FULLENKAMP: It's getting late. 9. MR. PETERMANN: We can't enact it right now. We plan to introduce legislation. I don't know what form it'll be in, but I believe THIBAULT, SUHR &amp; THIBAULT OMAHA, NEBRASKA (402) 331-2500</td>
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<td>1. the Partnership working towards integrating Washington County towards applying the policies? 2. What are the impacts of the overall plan of not having Washington County integrated in these policies? Is the Partnership -- so, the first question, is the Partnership working toward integrating Washington County? There was an invite for Washington County a number of times to be a part of the Partnership. 3. That, of course, as some of you may recall, is kind of when the NRD dam study came out in the World Herald, the Washington County actually had decided to do that, but when the dam study that the NRD was involved with came out in the World Herald, the County was concerned that they hadn't properly been informed of that, and, so, they withdraw, but recently there has been discussions, and we hope to meet and discuss mutually about Washington County considering joining the Partnership. 4. I think all of the Partnership members really feel that it's just important that one watershed all be at the table, and that everyone be there to discuss all of these things and all of the policies, because it affects us all in the THIBAULT, SUHR &amp; THIBAULT OMAHA, NEBRASKA (402) 331-2500</td>
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<td>1. probably you're speaking of four sections in the last -- 2. MS. ANDERSON: Correct. 3. MR. PETERMANN: I think probably three and four would be taken off. 4. MS. ANDERSON: They were supposed to be taken off this past year, and they weren't, just to kind of bring it to your attention. 5. MR. PETERMANN: Well, the Legislature had to do with that. There wasn't anything we could do about it once it was introduced. 6. MS. ANDERSON: I just want to go on record saying I'm against the bonding authority, against the dams, and against the policies. And I just wanted to also make the statement that it looks like none of the panel members or any of the task force members own any property which is affected by the 29 dams, and some of the panel members do stand to benefit financially if these dams are built, which is grossly unfair. Thank you. 7. MR. PETERMANN: Okay. Thank you. First, I have a card here which would read, is THIBAULT, SUHR &amp; THIBAULT OMAHA, NEBRASKA (402) 331-2500</td>
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<td>1. watershed. And that's, I guess, what are the impacts of the overall plan of having Washington County. I guess, as I put it, a body is one body. Without a head or without a foot, you're a lesser of a body. And that's, basically, what it is. If we don't have everyone in the watershed, you're not a full body, so you cannot function as a full body would. 2. So, we have next Kathy McCune. 3. MS. MCCLUNG: It's McClung, Kathy McCung, and I live in Gretna. And I am new here from Maryland. We moved here in November. And we bought a property. Bob Smith brought a CD of pictures of the flooding that was going on. I have the live version if you care to see it. It is truly a site to see. 4. I had a landscaper come back to see if there was anything that could be done about it, he was just appalled at the -- it's literally a lake in our back yard. There is a fast moving lake. We've had property damage. We've lost a tree because of the swift moving water. I have four small children. And more alarming is that the water is quickly encroaching to our back door. And, so, I think this is just two -- two</td>
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floodings that we've had since we moved here in November. And from all accounts, the rain storm does get worse. And I think that we will take on water. I think that we'll lose trees, that we will -- it's a swift moving lake that forms in our back yard.

My question is, what can be done in short order? I've had landscapers come out. Me, as a private land owner, I don't even know if I own the easement back there. I don't know what I can do to grade the property for an entire development to handle the run off of all of South Gretna. It's reached critical mass for us. And that's my first question. And I have a comment after that.

MR. PETERMANN: Okay. Maybe if you wouldn't mind bringing the video you say you have.

MS. MCCLUNG: I have it. It's in my camcorder. I can get a hard copy for you.

MR. PETERMANN: Okay. We'll be glad to have that video.

MS. MCCLUNG: Okay.

MR. PETERMANN: If you'd like to come into the NRD office here during the working THIBAULT, SUHR & THIBAULT OMAHA, NEBRASKA (402) 331-2500 hours, we can try to -- we have staff that technically can come out, and maybe try, and look, and give some suggestions, and see what solutions. It sounds like you already had some of that done, so I'm not sure if we can --

MS. MCCLUNG: Well, I've had, you know, a private landscaper come to the house; however, my question is too, there's a creek that runs behind the house, I don't know whether that is my property. Is it County property? Are we allowed to get a skid loader in there and dredge it because the property owners there are really concerned?

MR. PETERMANN: You need to -- that's something to look at. We can help you try to look at that.

MR. FULLENKAMP: I can answer part of that.

MR. PETERMANN: Okay.

MR. FULLENKAMP: Your property line is probably pinned. You have a residential lot in a residential subdivision?

MS. MCCLUNG: Yeah.

MR. FULLENKAMP: There are pins.

You should get from whoever your builder was get THIBAULT, SUHR & THIBAULT OMAHA, NEBRASKA (402) 331-2500

a survey of your lot. That'll tell you where your property line is. I doubt that it runs to the creek. There's probably what's called an outlot behind there. And, then, the plans we're trying to come up with now are going to separate so they won't allow houses as close to that situation as you are today.

MS. MCCLUNG: Well, we live on almost two acres of property.

MR. FULLENKAMP: Well, okay. There still will -- there will be a survey. A landscaper, I mean, he might be an engineer, but I'd get somebody like Terry Atkins, or -- if it were my house, or my daughter, or my wife, or whatever, I'd get a civil engineer out there to tell you -- to have them do a little hydraulic study, which will tell you where the water is coming from, who's bringing it down there. At least, you'll know the answers. Then, I'd come to the NRD. They may be able to help you influence whoever is causing the problem or come up with a solution.

MS. MCCLUNG: I just think --

MR. PETERMANN: We do have, of course, some other programs, but it sounds to me THIBAULT, SUHR & THIBAULT OMAHA, NEBRASKA (402) 331-2500

like probably one of these structures would help the flooding in your area. And that's probably what needs to be done.

MS. MCCLUNG: Well, I'm a little alarmed that the solutions are involving putting people out of their homes. And I see this as a long passionate battle, where we in Gretna are literally, we're at critical mass. We have the flood waters at our back doorstep. And I'm a little alarmed that this has, you know, reached this level.

I found it a little irresponsible on the part of the government and on the part of the developers. In Maryland, we had the developer put in the drainage things. No one complained about bugs. We didn't have flooding. We were in the Chesapeake Bay watershed, and people accepted it; that developers, when they put the land in, they handled the drainage as well as the sewage, as well as the electricity that went into that development, and people were happy with it. It didn't reach this critical mass of putting people out of homes and massive flooding.

MR. PETERMANN: I don't know what the situation was there, but there may have been THIBAULT, SUHR & THIBAULT OMAHA, NEBRASKA (402) 331-2500
1. a lot of things going in. There may have been a lot of private money and a lot of public money going into the solution of all the storm watersheds in the Chesapeake Bay. And I'm sure there were, but -- and it's unbeknown and usually blind to the home owner as to what really is going on.

MR. JENSEN: I just want to say what you just talked about is -- exactly what we're talking about with this system, and that is that when new development occurred in Maryland, there was a program already --

MS. MCCLUNG: Exactly.

MR. PETERMANN: -- for all of these issues to be taken care of. And I think that's -- again, that's the responsibility that local governments have. And, so, the City of Omaha, and I can't speak for Gretna, I don't know what the process was there, but in the City of Omaha, we look at all of those things, and we try to come up with ways to solve those problems. And we've done channelization. We've bought out homes. We've widened -- we've set aside the three to one plus 20, plus 40 feet for the water ways. We've -- the Federal government.

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1. if there was a flood pond that was installed, if there was ground set aside to carry the flow, if any of those things happened, and they happened together with development, then, the original property owner sold their land to somebody to develop. And, so, after that sale took place and that home owner left and that ground was developed, then, it was developed under those policies.

MR. JENSEN: And I think that's one thing -- I guess one thing I'd like to get across tonight is that we're not talking tonight about -- and we have no plan at this point to go out and necessarily build a dam before development begins to occur in that watershed. And, so, the idea of this was that as a development got to that area, as development began to occur, much like it did in the White Hawk or as much as it did in the case, what was it? Walnut Creek Reservoir and Dam Site 13, I mean, what happened was the development got there first, the developer bought the ground from the property owners, the property owners then moved, the ground was developed, the lake was built. It

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1. allows 100-percent drilling of the flood way drench. We allow 25-percent drilling of the floodway drench. We've built dams. I guess what I'm saying is that it is a total package of things that have to be done. And I think what you're referring to, I know that Maryland had a lot of problems with flooding back 20, 30 years ago, and they enacted a bunch of controls and techniques for managing that run off. And we've done many of the same things in the City of Omaha. Again, I don't know what the situation in your case is.

MR. FULLENKAMP: Policies like this, whether it's these particular ones, it's policies like this that hopefully solve a situation, prevent -- will prevent a situation like yours from occurring, again, not knowing exactly what's going on out at your house, because these are more stringent policies that are in place now, tremendously more stringent.

MR. PETERMANN: We're a little behind.

MR. JENSEN: There's just one last thing to mention on that, and that is in -- in the case that you're talking about in Maryland,

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MR. DREESSEN: I guess it all comes back down to land ownership. Again, there's nobody on that board or your panel, whatever you want to call it, that has any ownership in any of this, am I right? I mean, none of you are affected by any of this project; is that right?
I don't know.

MR. FULLENKAMP: I don't own a farm.
MR. PETERMANN: You're talking about the 29 sites?
MR. DREESSEN: All the dams, yes, or basins, whatever you want to call them. What it amounts to is we're all down here talking about is we didn't know it until this all came out in the paper. And I'm speaking for a relative that is affected by one of these. He had no clue. I told him about it. He couldn't be here tonight, so I'm going to talk about it.
You know, it's wrong. It's absolutely wrong. I see there's a couple board members here yet tonight, that's great, because I have to stay here until this meeting is over to make sure something is not said wrong, and I can catch it, so that when I leave, I know it was said wrong. Every one of these board members should probably
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be here, whether it's a corn call, or whatever it is, I don't care, they should be here. They are the ones that you guys are going to back to and talk about this. There's no reason, if I'm sitting in the back waiting the whole damn night, it's wrong. They need to be here so they know what's happening.

MR. PETERMANN: If we could have Terry just for --
MR. ATKINS: Just -- just from the technical committee's standpoint, it's been brought up several times about ownership, and about the dams, and locations. The technical committee didn't see a map of the location of the dams. We weren't considering locations. Our -- what we were considering was a technical solution, whether it made sense to do regional, whether it makes sense to do individual. So, it wasn't as though we developed this map or we saw this map and made a decision.
What we did as a technical committee was made recommendations to the policy, was to look at what is being done around the country, what makes sense, look at maintenance, look at all kinds of things. This map was developed after
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our recommendations were made for regional detention facilities.
MR. DREESSEN: But have you seen a land owner that's being affected by this? You've seen it and we've gone through it.
THE PUBLIC: Nobody knew it.
MR. DREESSEN: Schools, everything.
MR. PETERMANN: Okay. All right.
THE PUBLIC: We should have been notified beforehand.
MR. PETERMANN: We appreciate that.
We've had that comment a couple times tonight. I have a card here, the comment says, we need Dam No. 1 and 3C, construct Dam No. 1 first. Third in line --

MR. FULLENKAMP: Which one of you guys own that?
MR. PETERMANN: Third in line will be Sheila Dreessen. We next have Larry Cotton.
MR. COTTON: Hello. Can you hear me?

M R. PETERMANN: Yes.
MR. COTTON: Yeah, I arrive in northern Douglas County, North 126th Street. I too want to register that I am against these
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policies as presented, mainly because it's too specific about -- specific about there being dams, and how many of them there are, and all of the other discussion that went on tonight, but I had one question. I went to that Legislative meeting a year ago when the NRD went for the bonding authority, and it either died in committee or was voted down, I don't remember which, but I was curious about why you think it was -- it didn't get out of committee, and why this year it may just sail through, because, in my opinion, it was because of the sensibility or the legality of making Partnerships with developers and losing taxpayer money?

MR. PETERMANN: Why it didn't get out of committee, and it did die, because it didn't get out of committee is my understanding. Why it didn't get out of committee, you know, I don't know. I'm not privy to what the issues were. And, so, I guess I really don't know how to answer your question other than it is not -- well, it didn't. Sorry, I don't know.

MR. COTTON: In my opinion, I also have an opinion.

MR. PETERMANN: I don't think they
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1 probably know why.
2 MR. COTTON: Because there was
3 lawyers there that spoke against it, underlying
4 bed rock of eminent domain, and so forth, so I
don't know what's changed this year.
5 MR. PETERMANN: Why it might change
6 this year, if introduced, you mean, why it might
7 be different?
8 MR. COTTON: Yeah.
9 MR. PETERMANN: Well, I don't know.
10 It may be -- other than to say there are 20 new
11 legislators, I don't know if that makes any
12 difference. There are different people out
13 there. Term limits have changed that, but I
14 think one of the things is, I think, there is
15 certainly the need seen by all the Partnership
16 here that in order to work with -- with the pace
17 of development and so on, that there's going to
18 have to be something done in order to address
19 this overall plan, and that's a big factor.
20 So, I guess there are some other -- other
21 entities saying now this is necessary for the NRD
22 to have, so there will be more support, I guess
23 I'd say that.
24 MR. COTTON: So, there'd be just as
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1 much as opposition.
2 MR. PETERMANN: And I'm sure. Third
3 in line will be Bob Hanken -- Hankey, and with
4 Mike -- oh, I'm sorry, yes, Mike Ryan; at least,
5 I believe that. I think Sheila --
6 MS. DRESSEN: That's me.
7 MR. PETERMANN: Okay. You're going
8 to yield to Sheila? Okay. Sheila, why don't you
9 go ahead?
10 MS. DRESSEN: My name is Sheila
11 Dreessen. I am a farmer at heart. My soul, my
12 blood, my whole everything is in the dirt. And I
13 know you own a farm, I live on one, but, anyway,
14 I own land in Douglas County, and I own land in
15 Washington County, and I pay taxes to both
16 counties.
17 Newport Landing was brought up about a
18 flood control dam, and I do believe, sir, you
19 brought that up. That was brought up down at the
20 State Legislature when Senator Carol Borgeson
21 looked at the photos that we had when we seen the
22 pumping of the Papio Creek up the hill into the
23 Newport Landing, and Senator Borgeson said, how
24 can that be flood control? I just -- I didn't
25 know if you knew that or not, but they pump out
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1 of the Papio into Newport Landing to keep water
2 in there.
3 MR. FULLENKAMP: No, I didn't know.
4 I have nothing to do with that development.
5 MS. DRESSEN: Yeah, I know. I
6 know, and that's why I just wanted to kind of
7 clarify that.
8 MR. FULLENKAMP: Okay.
9 MS. DRESSEN: And I felt very, very
10 bad for the people in Gretna. It's awful.
11 That's where the developers, and the permits, the
12 people in charge of issuing the permits, and the
13 people developing the land need to have respect
14 for human beings.
15 MR. FULLENKAMP: You know, you're
16 looking at me all the time, so I suppose since I
17 represent developers --
18 MS. DRESSEN: I know.
19 MR. FULLENKAMP: -- I'm the only one
20 here to --
21 MS. DRESSEN: I don't mean anything
22 to you. You're the only one that I can hear
23 because you're on the panel. And when I get
24 nervous, I focus on one place, and you're it.
25 MR. FULLENKAMP: Okay. That's fine.
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1 You know, I'm from the farm too, so just go on.
2 MS. DRESSEN: You have the red
3 shirt on, and I focus on you. I am not a college
4 graduate. I'm a hard working human being. And I
5 love my farm. I was born and raised in town, but
6 you could not get me back in town. Some of this
7 flooding -- a lot of this flooding has to take
8 the responsibility of, and I'm sorry I have to
9 look at you guys, of the people who issued the
10 permits.
11 We want to change Saddle Creek. Why?
12 Because it floods. Yes, it does, because it was
13 a creek. It was Saddle Creek, but we built
14 businesses. We built hospitals. My daughter
15 lives down there. She knows when it rains more
16 than half an inch, you don't go anywhere.
17 MR. FULLENKAMP: But you understand
18 if --
19 MS. DRESSEN: She lives right on
20 the intersection of Leavenworth and Saddle Creek,
21 so she really knows. I'm just saying some people
22 have got to start bucking up and taking some
23 responsibility. She got an inch and a half of
24 rain, I would have given anything to have an inch
25 and a half of rain. I got .30, and I live right
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1 in the middle of that dam. The next day, I got
2 .70. I would have given my eye teeth to get that
3 inch and a half. My corn looks awful. I
4 probably won’t make a crop this year. I have the
5 NRD breathing down my neck. I have a drought
6 breathing down my neck, and I’m supposed to be a
7 cordial, nice person, and that’s really hard.
8 MR. FULLENKAMP: Well, it’s because
9 you’re a farmer that you’re a cordial, nice
10 person.
11 MS. DREESSEN: No, I’m not.
12 MR. FULLENKAMP: It’s not only in
13 the dirt, it’s in your blood.
14 MS. DREESSEN: Yes, it is.
15 MR. FULLENKAMP: Let me ask you --
16 you know, what this group is trying to do is, you
17 know, we are -- we were on this -- we were asked
18 to be part of this --
19 MS. DREESSEN: I know.
20 MR. FULLENKAMP: -- to try to come
21 up with some thoughts based on our experience as
22 to how we could better control, and have cleaner
23 water, and, also, control the quantity of water.
24 So, all of these guidelines that we went through
25 and all the stuff that Lyle showed about the
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1 setbacks and the way erosion is going to be
2 controlled are all new positive things, because I
3 think everybody has learned from the mistakes of
4 our predecessors. And under the policy that is
5 here today, Saddle Creek would have -- would
6 still be there in all its glory, plus three to
7 one, which is quite a ways, plus all the way up
8 not being able to fill to the flood fringe, which
9 would have probably put a one-mile swath through
10 the middle of Omaha, so, you know, not that we’re
11 taking what you say as criticism --
12 MS. DREESSEN: No, I know. I know.
13 MR. FULLENKAMP: -- but, please,
14 understand --
15 MS. DREESSEN: And there’s nothing
16 you can do about Saddle Creek, and I know that.
17 MR. FULLENKAMP: This whole thing
18 was a purpose to try to eliminate for future
19 generations, so when the Fullenkamp grandkids, if
20 they happen to be lawyers instead of farmers, are
21 going to be at a meeting like this and somebody
22 is going to be yelling at them, because they
23 didn’t do something, it’s the whole purpose is to
24 do the things today so that we don’t have the
25 kind of problem that you experience.
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1 Now, the issue of the under the blue
2 paint and all of that, I mean, I think -- I think
3 everybody on this group got that message. At
4 least, I did.
5 MS. DREESSEN: Well, my house -- my
6 house will be right on the edge of the dam. My
7 son, my daughter-in-law, and my three
8 grandchildren are under the water. Am I going to
9 take your house, Marlin, because they need
10 someplace to live?
11 MR. PETERMANN: It’s too far to
12 commute.
13 MS. DREESSEN: Now, see, that
14 glibness is what just really gets under my skin.
15 MR. PETERMANN: Well, you knew the
16 question was not very good either.
17 MS. DREESSEN: I know, but it’s
18 just -- it’s just the attitude that we get when
19 we come down here. Everything is just, oh, well,
20 oh, well. No, it’s not oh, well. You are -- you
21 are taking away my son’s future and my grandson’s
22 future. That’s our jobs.
23 MR. PETERMANN: Are you talking the
24 dams you see here or --
25 MS. DREESSEN: Oh, yeah, the big
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1 one. We’re right in the middle, all 900 acres
2 are right under the Kennebec soil, the richest
3 soil in the world. It’s been -- it’s been
4 documented. It’s the richest soil in the world.
5 And we’re going to put it underwater. And that’s
6 what happened at Newport, because it’s good soil
7 there too, so we have to have a boat in there
8 that keeps cutting the weeds out because it’s too
9 rich of soil that we put underwater.
10 Okay. Now, I’m off my soap box, I have
11 a question. The Omaha World-Herald reported that
12 HDR is exploring alternatives to the dams in
13 Washington County. Since it is apparent that
14 alternatives are available, why can’t the same
15 alternatives be explored for Douglas County
16 before all of these jurisdictions adopt policies
17 endorsing dams? Do any jurisdictions outside of
18 Nebraska use large development-based dams as
19 their solution to storm water management?
20 And I too am against the dams, the
21 policies, and most of all the bonding, because if
22 you did the bonding, you’re going to take off and
23 run, and these dams will go in.
24 MR. PETERMANN: I’m not sure, you
25 had a couple questions there. I’m not sure I got
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1 them all. Do you want to do maybe one at a time
2 there?
3 
4 MS. DREESEN: I can give you a
5 copy. Do you want a copy?
6 
7 MR. PETERMANN: Okay.
8 
9 MR. FULLENKAMP: Sure. Absolutely.
10 
11 MS. DREESEN: I came prepared.
12 
13 MR. FULLENKAMP: Thank you.
14 
15 MR. PETERMANN: Is there one that
16 you can address there, Terry?
17 
18 MR. ATKINS: Well, I was just going
19 to say the question about the alternatives that
20 are being explored in Washington County, that
21 actually is part of what's being done here.
22 Washington County, as the paper reported, is
23 opposed to looking at 1 and 3C, that they were
24 also looking at several smaller basins scattered
25 through the county, and that is what is being
26 done here. The other -- I think some of the
27 other stuff was dry basins.
28 Again, we -- the technical committee
29 looked at that. There are some issues with --
30 depending on the size, with the dry basin, what
31 can be done with it. What -- you know, if you
32 build a dry basin, you've got to -- what are you
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35 going to put in the bottom of a dry basin.
36 You're not going to solve the problem in a dry
37 basin, because every time it rains --
38 MS. DREESEN: Yeah, but it makes
39 sense if we did that 100-inch rain, it'll catch
40 it.
41 MR. ATKINS: Well, it'll catch it,
42 but what are you going to do with the ground in
43 the dry basin? Somehow that's going to have to
44 be --
45 MS. DREESEN: You could farm it.
46 We'd find a way to get down there and do it.
47 MR. ATKINS: And that is -- and that
48 is going to be looked at in Washington County. I
49 guess what I'm getting at is that in the Douglas
50 County area, they are looking at some of the --
51 that's what we're looking at. We're looking at
52 smaller basins, smaller water quality basins,
53 smaller flood control basins. We're not looking
54 at a bigger basin.
55 MS. DREESEN: Well, and, also, we
56 already lost some of our land in the NRD. They
57 already put a pond in the middle of one of our
58 things, so, as a taxpayer, we're already paid for
59 one pond. And, then, when the dam comes in,
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62 we've got to pay for a bigger dam?
63 MR. ATKINS: Again, the committee
64 didn't look at anything in Washington County
65 so --
66 MS. DREESEN: I know. I just kind
67 of wanted to get that on record.
68 MR. ATKINS: Oh, I know. Okay. In
69 terms of Douglas County, we did -- we did look at
70 the smaller basins, and that is what is being
71 looked at.
72 In terms of what's being done, looking
73 at outside of Nebraska, yeah, we did look at
74 that. And that's where we found out that many
75 communities who did use these smaller on-site
76 basins have gone away from them and gone to
77 regional basins because they're easier to manage,
78 they provide more flood control, they -- they're
79 more functional. And, so, we did look at that,
80 the technical committee did.
81 MR. PETERMANN: Okay. After --
82 third line Wade Junker, Wade Junker, and Mike
83 Ryan.
84 MR. RYAN: My name is Mike Ryan. I
85 live at 11130 Jackson Street in Omaha.
86 MR. PETERMANN: Could you get a
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89 little close? Maybe bring the mike up. Can you
90 help bring the mike up, Terry?
91 MR. RYAN: That's okay. I can move
92 down a little bit. I'd like to first read a
93 short paragraph into the record, and this is
94 taken from an EPA regulation, that's 40 CFR
95 122.34B, public involvement and participation,
96 and it's under Subsection II entitled guidance.
97 It says, the EPA recommends that the public be
98 included in developing, implementing, and
99 reviewing your storm water management program,
100 and that the public participation process should
101 make efforts to reach out and engage all economic
102 and ethnic groups. Opportunities for members of
103 the public to participate in program development
104 and implementation include serving as citizen
105 representatives on a local storm water management
106 team, attending public hearings, working as
107 citizen volunteers to educate other individuals
108 about the program, assisting the program
109 coordination with other pre-existing programs, or
110 participating in volunteer monitoring efforts.
111 My question was, did this process that
112 the PCWP went through incorporate these EPA
113 guidelines? And I'll answer my own question.
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1 No, it didn't. Now, you've said, and when I refer to you, I'm referring to the PCWP, you've said that this is more than an NPDES formulation process. I suggest that it started out, and the reason the various government entities got involved with this organization, was they had coming due NPDES permits, and that was the reason this whole thing got the impetus that it got initially.

10 MR. PETERMANN: I think that's what I said, yes.

11 MS. DREESSEN: Now, since then, I think it's morphed into something else. You know, it's morphed into a flood control program. I've referred to it as being hijacked by developers who want these reservoirs, dams to enhance the property values of the property they own around these reservoirs.

18 Now, you can say what you want, but the work product of the PCWP, which consists of design manuals, the policies, agreements, suggested ordinances, these have been or are being incorporated into the NPDES permits. The public has been shut out of this process. You had a few public meetings, and people filling out

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three-by-five cards with questions is not participation in the development of the plan. It just did not happen.

4 I might as an aside just mention the lady from Gretna was talking about she came from the Chesapeake Bay area of Maryland. I've done some research studying various cases across the country as to what they're doing to meet their NEPDS storm water permits in other parts of the country, and this part of Maryland is the poster child for low impact development. They're not building dams. I could not find any place in the country where they're using dams and reservoirs to deal with storm water management. They're using low impact development. They're retro--retrofitting low impact development in existing neighborhoods. They're using low impact development and BMPs in new development.

19 Last week I talked to a senior program analyst in the EPA in Washington in the storm water management division, and I told him what's planned here, 29 dams ranging in size from you know, 15 acres, and if the two are built up in Washington County, up to 18 acres, but for the most part these are more than ponds. He couldn't

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is behind the paying for this program just does not add up to me. And -- and in conclusion, I would encourage the panel to consider some of the alternative options with regard to meeting this Federal mandate, because it seems to me that there are other options out there that deserve merit and deserve study. And it concerns me that a vote is going to be taken next month with all these unanswered questions that I think really need to be fully pursued in order to provide an adequate plan.

And, to me, this plan looks good on paper, just the PA system probably looked good on paper, but when it comes to its implementation, there's a lot of holes in it and there's still some bugs in the system. And I would hope that you would attend to some of those holes, if you will, and have them plugged so that we can come up with a good and viable plan for this community. Thank you.

MR. PETERMANN: There's a lot more work to be done on the plan. There's no doubt.

Wade Junker?

MR. WADE JUNKER: Hello, my name is THIBAULT, SUHR & THIBAULT OMAHA, NEBRASKA (402) 331-2500

Wade Junker. I live at 10627 Laurel Ave. I'm an Omaha resident. And I thank you panel members, board members for being present and for your ideas. And I encourage you to look at the main points that have been made tonight. And some of which revolve around the issue of these basins and feasibility of the size. I believe, as was brought up once, a 640-acre or one square mile basin might be suitable to make an impact and control storm water run off or the event of a 100-year flood in adequate measure.

My background, I'm a conservationist. I think a lot of you are. And I think you all have a deep want or need to feel like you're doing the right thing, but by committing old technology and not looking at the alternatives, you may not be proposing the right things for the future.

And I am a little concerned by the fact that very little is being done in Omaha. And most of this work is being done in the rural areas. And being an Omaha resident, I would like to see some of my money, my tax dollars going towards storm water improvement in Omaha and regulating businesses building in the floodplain.

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plain.

Also, if you could imagine the bonding authority that would be given to the NRD if this regulation does go through, I think that's a very scary thing, the fact that no checks and balances are in place.

And I would ask you, can you go home at night and look your families in the eye and tell your kids what you discussed during these meetings, and what options, and what things came up? If you could explain these in lay terms to your family members and still have a good conscious and go to sleep at night without being troubled, that's something you need to answer for yourself. You don't have to answer that for the public. If you want to respond to that, I have no answer for you. It's your obligation to yourself, to your community, and to your fellow neighbors. That's what this comes down to.

Thank you.

MR. JENSEN: I guess I'd like to respond to that. You know, it's -- it's one thing to look at the policies and question the policies, but it's a different thing to question what somebody does from a personal standpoint. I

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don't have any trouble going home at night and thinking about what I do.

You said we don't do anything to control the placement of businesses in flood plains, that's not true. That's just not true. There are a lot of things that have been said tonight that are just not true. And, so I guess what I'm saying is if you are going to make a statement and question someone's personal approach to things, please, get your facts straight, because we do control the construction of businesses, and homes, and so forth in flood plains. We do that now. And we've done that for many years. Now, did we do it in the 1920s, or the 1930s, or the 1940s? No, but we do it today.

MR. WADE JUNKER: This isn't a personal attack.

MR. JENSEN: No. No.

MR. WADE JUNKER: This is asking you if what you're doing is correct.

MR. FULLENKAMP: Well, sure, it is.

MR. JENSEN: But asking us if we go home at night and can look our families in the eye, that's a personal thing.

MR. WADE JUNKER: Okay.

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MR. JENSEN: We haven't questioned any of you tonight in terms of your personal feelings or commitments.

MR. WADE JUNKER: It wasn't directed at you personally.

MR. JENSEN: We understand -- and we understand that this is -- that this personally affects many of you out there, but it's also something that we take seriously. And we do concern ourselves with the protection of the public. And we do concern ourselves with what we do with the taxpayers' dollars. And, so, I'm just saying, you know, make sure you get your facts straight.

MR. FULLENKAMP: You know, let me -- let me jump in. You can kind of probably pick on me because I'm a lawyer and I represent developers, so there's two of the things that, you know, I might as well sell used cars in some people's eyes, but -- but guys like Steve and these three guys right here who are -- who are public employees who are out every night, and, you know, when you question whether they can sleep at night is a little unfair.

Now, to add a little sense of humor.

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here, I'm looking at this poor turtle over here that's been sitting next to me all night, and, you know, his ancestors go back way before ours probably, and he's got the best technology of any of us here, because if I get over there and kind of rattle this thing a little, he sticks his head under that shell. So, we've put on a good suit of armor up here tonight. And I hope you understand that we got onto this --

MR. WADE JUNKER: If I was an amphibian, I could survive a lake being built on top of my farm.

MR. FULLENKAMP: Okay. There you go.

MR. WADE JUNKER: So, I don't want to get onto this other plan.

MR. ATKINS: I want to take a little exception to this.

MR. FULLENKAMP: Well, you guys kind of started this, you know, I mean.

MR. WADE JUNKER: Mr. Petermann, next question, please.

MR. ATKINS: We talked a lot about what has and has not been considered through this process. Tonight I think just about every

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1 comment that was made was made on Policy Nos. 1 and 2. If you look at Policies 3, 4, 5, and 6, they deal with the things we're talking about, low impact development. They deal with green. They deal with all these other things we're talking about. We spent the whole night listening to the fact that we didn't look at any of these other things. We looked at them. We spent a lot of time on them. We developed policies about these other things. Everybody's chosen to focus on two of them. There's a lot more to those policies than just the two we've focused on.

MR. WADE JUNKER: Okay. The root policy, which is the second line item on your policies you've drafted, revolves around financing for, in the last part of the sentence, development. And when you made your power point presentation, financing for the development was not within your root policy.

MR. ATKINS: That's Root Policy No. 1. And there's Root Policy 2, 3, 4, and 5, and 6. So, I think what I'm trying to say is there's more to this than just the two policies we've focused on. We've spent a lot of time working on

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a lot of different things here that we've sat up here tonight and heard we didn't look at. We did. We spent a lot of time on this.

MR. WADE JUNKER: Okay.

MR. ATKINS: And, again, on a personal level, a lot of our own time that, for John and I, we volunteered our time. We felt it was important.

MR. FULLENKAMP: I don't have a developer client that's developed on a lake. I haven't bought a farm to go out and condemn a lake or condemn a dam site. The clients that I have that are going to be paying these fees build a lesser priced house than are probably next to, you know, the fancy lakes that are going to be built. And we're paying all the money, because we think that regional detention -- now, you may have a great argument that regional detention doesn't work, and I don't know whether you're right or not, we kind of relied on the technical advisory committee to say, this is what we think is the best given this topography and so forth. And, then, it came to us as to what these other policies that affect development ought to be and how -- what would be an opportunity to finance

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MR. FULLENKAMP: The truth of the matter is that there's been a lot of excellent points made here about --

MR. WADE JUNKER: The problem I have is that all I see that you are presenting will be further evidence for the NRD to proceed with their plans.

MR. FULLENKAMP: I have a suggestion for you.

MR. WADE JUNKER: Wording is tricky; you're a lawyer, you know that.

MR. FULLENKAMP: I have a suggestion for you, then, go to the city councils that are going to adopt this, express your concerns, tell them why you think the NRD's --

MR. WADE JUNKER: The NRD is not regulated by the City of Omaha Council.

MR. FULLENKAMP: Because the Partnership all has to be -- adopt these documents.

THE PUBLIC: They've already -- they've done it, John.

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MR. WADE JUNKER: The City -- I went to the City Council and made a presentation, and they voted -- they voted to adopt the policies before I got back to my seat after making the presentation. They had their mind made up before I went in there. The City of Omaha is controlled by developers. You can argue with me about it, but that's my belief.

MR. PETERMANN: We've kind of got off track here. Thank you for your questions.

We have Harry Junker next, please.

MR. HARRY JUNKER: I just want to ask one simple question. My name is Harry Junker. And I live in Douglas County, 12404

1 Pawnee. And my question is, how do you propose -- and this is a very simple question, how do you propose to make the water quality better when it's sitting in a lake as a stagnant pool? We've seen it time and time again.

There's several bodies of water in this area that simply aren't quality water. It's standing water rather than going into the ground or going into some other function.

MR. PETERMANN: Go ahead.

MR. GRATE: I think the answer goes back to what Terry was saying, is that we're not relying upon one policy or one technology to solve all the problems. We do have other other policies. And we do intend to have water quality basins protecting some of these structures that may be built, but we also at the same time, the entities, the permitted entities, has to also pass new ordinances that put additional controls on, for example, industries and commercial operations that diminish the water quality that they provide on storm water overall.

There are a number of things that we need to do here. And the program is more than just this one thing of building reservoirs.
Mr. Harry Junker: I hope that's the future direction.
Mr. Petermann: Thank you. And, then, I have one more card here, a comment, do not wish to speak, how soon could the 204th and Schriner Road dam site be started? The need is right now. I think that was the --
Mr. Fullenkamp: Did you pull that out on purpose last?
Mr. Petermann: No, but I think that relates -- well, we just can't answer that. We don't know the schedule. And it depends on a lot of factors, and development, and so on.
Is there anyone else that would wish to speak this evening that would like to ask a question or address the group? Yes?
Ms. Dreessen: I just --
Mr. Petermann: Sheila, was it?
Ms. Dreessen: Yes. Well, when you said something about you don't allow people to build on the flood plain anymore, I know in Bennington behind the new high school, they're planning to develop right alongside the Papio.
Now, whose responsibility is that? Is that Bennington, or is that Douglas County?
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Mr. Jensen: First of all -- and this isn't working --
Ms. Dreessen: Yes.
Mr. Jensen: First of all, that's -- I mean, we deal with the City of Omaha, not Bennington, but if Bennington adopts these policies and would parallel very much what we already do with the City of Omaha, then, they wouldn't be able to do that. So, that's part of it.
Ms. Dreessen: But, you know, to be fair to you guys, because you guys have taken a lot of crap tonight, but that's the way it goes, what we are really worried about is this bonding authority. That is what I'm concerned about, because that is included in these policies. And when that bonding authority goes through, he is going to run 295 miles an hour down to the State Legislature and try to get all the money he can to build these dams. That is my major concern.
And I think it's a lot of the other people, too.
It's the bond issue that really has us nervous. I really truly think you cannot make this important of a decision in two weeks. And I know you've worked on it for a long, long time.
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But this bonding thing and the public input is very important, because that money is coming out of my pocket. And with gas at $3 a gallon and milk and groceries, living alone -- there's people moving back in with their parents because they can't afford it anymore. This is something that really, really needs to be thought about, because this -- you estimate the cost at 400 million, and it'll be closer to 800 million by the time it's done, I'm sorry, because nothing ever goes down, except for our price of corn and beans. Everything goes up.
Mr. Petermann: Okay. We have a -- I do have another card here, Marvin Leaders.
Mr. Leaders: I'm Marvin Leaders, and I'm a Sarpy County farmer and land owner. I have several questions I need a little bit of clarification on. As far as the, basically, two thirds of the funding of these that are going to be provided through taxation, is the NRD the total taxing authority to provide those funds, then, or are these different cities and Douglas and Sarpy County also going to have assessments to contribute towards this? And the same way on the maintenance? And, then, will this only be Thibault, Suhr & Thibault
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Taxation within this map area, or is this going to be taxation in the whole NRD's taxing area all the way up, I guess, clear to Sioux City? And also the same, will there be taxation in the areas of Sarpy County that do not fall in the Papio Watershed?
Mr. Petermann: Okay. Let me --
Mr. Leaders: What is the intentions?
Mr. Petermann: Let me take the first stab at that. And let's make sure we understand taxation and fees, two different things; taxation being the public side, fees being the private side. So, the fees just, first of all, will only be in the Papio basin, the fees the developers pay, okay? That's only in the Papio basin and for building permits in the Papio Watershed, in Douglas and Sarpy County; those two counties, Papio basin only.
The taxation as far as the NRD, the two thirds, would be District wide. We cannot tax other than that. General property tax has to be the entire area. So, it would be all the way to South Sioux City through Bellevue, six counties, or a portion of those. Papio is all that would Thibault, Suhr & Thibault
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be taxed. That has -- that all has to be decided before you do any of this.

MR. LEADERS: As I -- the interpretation I got is that you really -- of the structures that you are planning, you see what I'm saying, in general areas, that those would only happen as development happens in those areas?

MR. PETERMANN: That's the intent.

MR. LEADERS: That's the intent.

Now, if you have the bonding authority and have the funding, you see what I'm saying you're going to be able to do that? I could see that the NRD maybe would accelerate these, and I can understand some of the earlier speakers' concerns that they would lose land earlier than development coming to them. And if I had land in those areas too, I would be concerned about that, that all of a sudden with bonding authority and another income stream for the NRD to use to try and accelerate, and actually, probably for a flood control issue, some of those actually really need to happen.

The ones that I see here in Sarpy County that are planned between Papillion and where I

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live out here on 50 and 370 are the logical areas that I would expect those dams to be built, because they're at the bottom end of those basic sub tributaries, you see, that are going into it. So, those are my concerns. I just wanted a little more input about, you know, the funding of it. Thank you.

MR. JENSEN: I think -- I think what you just said is so important for what everybody has said tonight, and that is that the primary concern that I think we've heard from everybody tonight is something that we completely understand, and that is if you're -- as John has said earlier, if you're under one of those blue marks on the map, you're afraid that somebody's going to come in tomorrow and say, I want to take your land and I'm going to build a dam. And that's just not the intent or the idea of how this would function.

And, so, I think that we hear that. And I think that part of the difficulty is how do you make it clear that that isn't what happens. So, as development occurs, and as ground is going to be built -- bought, and as it's going to be developed, that then these controls are done at

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1 the same time, so we don't have the problems that
2 we saw in the photographs in Sarpy County, in
3 Gretna, and, so, that we have a long-term plan
4 that works. And I think -- I think that's so
5 critical.
6 And I think everybody here understands
7 that, and, certainly, hears that. And I think
8 that you're right in connecting the bonding
9 authority with that concern. And that's what
10 part of what has to be figured out is how you --
11 how do you somehow detach that so that you don't
12 end up getting bonding authority and going out
13 and starting to condemn a whole bunch of property
14 that isn't needed yet. So, I just wanted to say
15 I think you've made a -- you've done a good job
16 of connecting those two items.
17 MR. LEADERS: I have one question
18 that I had a little bit earlier. In those areas,
19 if a developer, you know, buys a half section or
20 a section, and decides he would not want to
21 participate in a dam up here, what would his
22 options be, you see what I'm saying, to meet the
23 storm water run off regulations that are coming
24 down the line, or what -- you see?
25 MR. FULLENKAMP: The planning
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1 department -- you know, the blue paints is kind
2 of a guide, you know. It's in areas where there
3 are probabilities, and, you know, if we do something
4 in Omaha, we'll go in there, and they'll say,
5 well, you guys kind of need to know that this
6 could very well be a place for, you know, a
7 structure in the future, and you'll have to plan
8 around it, so you'll have to maybe put your
9 sewers around it, and that may or may not deter a
10 developer from buying that ground. There,
11 certainly, is that effect.
12 In some instances, it may encourage him
13 to buy the ground. Then, he would go to the NRD
14 and say, I have this under contract for $35,000
15 an acre, you know, are you going to build this
16 facility? You know, I'll sell you the land.
17 Generally, the NRD gets it for less than the guy
18 paid for it, so -- so, the developers have these
19 maps where they know where the parks have to be.
20 We know how wide the roads have to be. We know
21 what airport zone you've got to stay out of. We
22 know what flood plain is. And, so, when the
23 developer comes to you, he pretty well knows
24 what's going to have to happen to that land in
25 general. So, we kind of deal with it. They kind
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1 of get advance notice, and we have to plan around
2 it.
3 MR. LEADERS: Thank you.
4 MR. PETERMANN: Okay.
5 MS. DRESSEN: I want to say one
6 thing to the board.
7 MR. PETERMANN: Sure. Sure.
8 MR. FULLENKAMP: Can we go after
9 this?
10 MS. DRESSEN: In a minute; I
11 think -- I think the reason why us Washingtonians
12 and part Douglas Countians are so adamant about
13 this is we have had no representation on the NRD
14 board for two years. Our representative does not
15 come to these meetings. He does not fight for
16 us, and, so, I think you needed to know this part
17 of it. I don't know if you knew that or not.
18 MR. FULLENKAMP: Did not.
19 MS. DRESSEN: Yeah, and that's why
20 we are so adamant and so strong. We have no
21 representation. I mean, they listen, but they do
22 what they want to do. I just wanted to tell you
23 that.
24 MR. PETERMANN: I appreciate that.
25 Well, we appreciate all of you. It's such a late
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1 hour, we apologize for that, but this was very
2 good. I think the Papio Partnership, in speaking
3 for them at this point, through the two-year
4 process of what we've been going through, I think
5 the greatest yearn they had was public input. I
6 guess I'd just say that I think we're sorry we
7 failed in that area, which we evidently did,
8 because we heard it so often tonight. I don't
9 think that was the intent. The intent was just
10 the opposite.
11 I think many meetings we toiled over
12 that, how do we get more public input, but we're
13 glad you're here tonight. We value your input.
14 We value what you have to say. And we will
15 consider that. And I'm sure there'll be further
16 discussions and meetings as we move forward.
17 Thank you all for coming.
18 THE PUBLIC: Can I -- can I have a
19 question answered?
20 MR. PETERMANN: Go ahead.
21 THE PUBLIC: Since this process all
22 happened, what is your guys' timelines to
23 approving these policies? And what good has it
24 done us tonight to share our input of this? And
25 I realize you all have worked very hard on this
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MR. PETERMANN: The -- maybe just once again, the timeline for the policies, the goal was August 1st, that all communities would adopt the policies. A number of them have at this point: Omaha, Boys Town, Sarpy County. My understanding is it's considered next week by Papillion and Douglas County. We know there are going to be some after August 1st now, just because we haven't quite gotten it completed, but I think everybody is planning to -- the communities, as I understand it, are planning to adopt them as soon as possible, especially those that have an NPDES or permit requirement.

If I didn't say it earlier, the two communities that don't have storm water permit requirements in the Partnership are Gretna and Bennington. So, those two do not have permits, but they're talking about they're going to adopt THIBAUT, SUHR & THIBAUT OMAHA, NEBRASKA (402) 331-2500

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1 be provided by these elected officials in order
2 to implement these. And there's always time for change and always time to look at new technologies that may be developed that maybe didn't exist to choose from today.
3 THE PUBLIC: I would say that once
4 it has passed, it's very hard to change policy.
5 And when the change happens, it's a little at a time. So, that's my concern as a taxpayer.
6 MR. PETERMANN: Change can always occur. I think we've finished the meeting.
7 THE PUBLIC: No, we're still here.
8 MR. PETERMANN: I think we need to give these people -- would you like to visit with them a little? I think we really need to break up.
9
10 THE PUBLIC: What was the point of this meeting if nothing's change?
11 MR. PETERMANN: The NRD board will consider it. They're meeting in September.
12 THE PUBLIC: They're not even here.
13 There's only one representative here.
14 (The meeting was concluded at the hour of 10:35 p.m.)

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CERTIFICATE

STATE OF NEBRASKA

COUNTY OF DOUGLAS

I, Lori A. Blume, General Notary Public

within and for the State of Nebraska, do hereby
certify that I served as the Court Reporter for
the within cause on the date aforesaid and that
the within transcript is a true and correct
extension of my stenotype notes taken at the
aforesaid time and place and reduced to writing
by means of computer-aided transcription.

Dated this ______ day of July, 2006.

___________________________
GENERAL NOTARY PUBLIC

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<p>| 2 | - | 8-11, 9-2, 56.15, 74.24, 89.24, 159.2, 159.22 |
| - | 20 [1] | - | 11.25, 32.15, 32.22, 33.8, 60.14, 129.24, 130.8, 137.11 |
| - | 200 [1] | - | 7-16, 80.15, 98.19 |
| - | 2001 [1] | - | 6-23, 37.19, 37.20 |
| - | 2003 [1] | - | 7-1, 9.5, 9.6 |
| - | 2010 [1] | - | 6-22 |
| - | 2040 [1] | - | 166.5 |
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