

**Programs, Projects, and Operations  
Subcommittee Meeting Minutes  
February 6, 2018**

A meeting of the Papio-Missouri River Natural Resources District’s Programs, Projects, and Operations Subcommittee was held at the Natural Resources Center, 8901 South 154<sup>th</sup> Street, Omaha, NE, on February 6, 2018. The meeting was called to order by Vice-Chairperson Jim Thompson at 6:32 p.m.

**QUORUM CALL:** Quorum call was taken. The following subcommittee members were in attendance.

Subcommittee Members Present	Subcommittee Members Absent	Other Directors Present	Others Present
Jim Thompson, Vice-Chair	Patrick Leahy *	Larry Bradley	John Winkler
Fred Conley	John Conley, Chair *	Ted Japp	Marlin Petermann
Tim Fowler **		David Klug	Brent Meyer, Legal Counsel
Rich Tesar		John Wiese	Tracy Thompson
			Amanda Grint
			Laurie Carrette Zook, HDR Inc.
			Paul Woodward
			Other Staff Members

\* Absence

\*\* Alternate Voting Member

**ADOPTION OF AGENDA:**

- **It was moved by Director Fowler and seconded by Director F. Conley that the agenda be adopted.**

Roll call was taken on the motion. The motion carried on a vote of 4-yea.

Voting Yea: F. Conley, Fowler, Tesar, Thompson

Voting Nay: None

Abstaining: None

Absent: J. Conley, Leahy

**PROOF OF PUBLICATION:** Public notice of the meeting was posted at all District offices and published in the Omaha World-Herald on February 1, 2018. The proof of publication affidavit is included with the file copy of these minutes.

**1. Review and Recommendation on Construction Bids for Zorinsky Basin No. 2 Project – Amanda Grint and Laurie Carrette Zook, HDR Inc.:**

Amanda Grint presented the bid summary for the ZB2 water quality project located near 204<sup>th</sup> and F Streets in Douglas County. The project includes the construction of an earthen embankment with concrete weir structure and associated work. Five bids were received with a range of \$4,254,983.97 to \$6,518,740.55. The engineers estimate for the project is \$3,807,700. The tree clearing is expected to begin on or before March 1, 2018 and the completion is scheduled for December 2019.

- **It was moved by Director F. Conley and seconded by Director Tesar that the Subcommittee recommend to the Board that the General Manager be authorized to execute a contract with Valley Corporation Inc., for the construction of the ZB2 project for the bid amount of \$4,254,983.97, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.**

Roll call was taken on the motion. The motion carried on a vote of 4-yea.

Voting Yea: F. Conley, Fowler, Tesar, Thompson  
 Voting Nay: None  
 Abstaining: None  
 Absent: J. Conley, Leahy

**2. Review and Recommendation on Union Dike Trench Drain Repair Project — Martin Cleveland:**

Martin Cleveland presented the bid summary for the Union Dike Trench Drain Repair Project located between Valley and Fremont, Nebraska. The project consists of replacing 261 linear feet of deficient trench drain outlet pipe and 2,092 linear feet of deficient trench drain pipe located in the landside slope of Union Dike. The trench drains were installed in 1989, as part of the Union Dike Levee Improvement Project. The Engineer's estimate of the cost of the Project is \$239,691.00. 7 bids were received and ranged from \$103,560 to \$219,525.

- **It was moved by Director F. Conley and seconded by Director Tesar that the Programs, Projects and Operations Subcommittee recommend to the Board of Directors that the General Manager be authorized to execute a contract with Niewohner Construction, Inc. in the amount of \$103,560 for the construction of the Union Dike Trench Drain Repair Project, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.**

Roll call was taken on the motion. The motion carried on a vote of 4-yea.

Voting Yea: F. Conley, Fowler, Tesar, Thompson  
 Voting Nay: None  
 Abstaining: None  
 Absent: J. Conley, Leahy

**3. Review and Recommendation on Operations & Maintenance Outbuilding Project — Martin Cleveland:**

Martin Cleveland presented the bid summary for the Operations & Maintenance (O&M) Outbuilding Project which consists of building a pre-engineered 75 ft. wide by 200 ft. long open-front, post-frame building for equipment storage at the District's O&M Headquarters at Chalco Hills Recreation Area. The bids received from 3 responsive bidders ranged from \$149,850 to \$195,320. The Engineer's estimate of the cost is \$170,000 for a building with mid-span columns and \$190,000 for a building without mid-span columns. The project architect, Avant Architects, recommended that the project be awarded to Gingerich Structures LLC. Management recommended to the Subcommittee that the bid option of a building without mid-span columns be selected. Martin answered the Directors questions.

- **It was moved by Director Tesar and seconded by Director Fowler that the Programs, Projects and Operations Subcommittee recommend to the Board of Directors that the General Manager be authorized to execute a contract with Gingerich Structures, LLC in the amount of \$149,850 for the construction of the Operations & Maintenance Outbuilding Project without mid-span columns, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.**

Roll call was taken on the motion. The motion carried on a vote of 4-yea.

Voting Yea: F. Conley, Fowler, Tesar, Thompson  
Voting Nay: None  
Abstaining: None  
Absent: J. Conley, Leahy

**4. Review and Recommendation on Research Agreement with University a Vadose Zone Nitrate Study near Springfield, NE - Paul Woodward:**

Paul Woodward presented the proposed Research Agreement with the University of Nebraska-Lincoln (UNL) for a Vadose Zone Nitrate Study near Springfield, NE. Details of the agreement include collection of six different soil sample cores up to 70 feet deep above the groundwater table with the cores tested every two feet for nitrate levels. Soil properties will also be tested to characterize the nitrate source and time of travel. The proposed cost to the District is a fixed price of \$20,999. Paul answered Directors questions.

- **It was moved by Director Fowler and seconded by Director Tesar that the Subcommittee recommend to the Board that the General Manager be authorized to execute the proposed research agreement with the University of Nebraska-Lincoln for a Vadose zone nitrate study near Springfield, NE for a fixed cost of \$20,999, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.**

Roll call was taken on the motion. The motion carried on a vote of 4-yea.

Voting Yea: F. Conley, Fowler, Tesar, Thompson  
Voting Nay: None  
Abstaining: None  
Absent: J. Conley, Leahy

**5a. Review and Recommendation on Groundwater Management Plan - Paul Woodward:**

Paul Woodward reviewed the proposed Groundwater Management Plan (GMP) and process. No testimony was provided at any of the public hearings to suggest changes to the proposed GMP. Therefore, the final version of the new Groundwater Management Plan, approved by NDNR and dated 24 July 2017, is recommended for adoption. General Manager John Winkler clarified that all 3 of the Groundwater plan components need to be approved by the Board for the GMP to be implemented. Paul addressed all questions and concerns. The following individuals addressed the Subcommittee:

- Scott Olson, 1325 US-75, Tekamah, Nebraska
- Lori Japp 13514 County Road P30, Blair, Nebraska

- **It was moved by Director Tesar and seconded by Director Fowler that the Subcommittee recommend to the Board that the following resolution be adopted:**

**WHEREAS** Natural Resources Districts have the legal authority to regulate groundwater in the State of Nebraska pursuant to Neb. Rev. Stat. § 46-702; and

**WHEREAS** Natural Resources Districts are required to maintain a groundwater management plan pursuant to Neb. Rev. Stat. §46-709; and

**WHEREAS** the Papio-Missouri River Natural Resources District in its preparation of the proposed Groundwater Management Plan, with assistance from its consultant, actively solicited public comments and opinions and utilized and drew upon existing research, data and other information as required by Neb. Rev. Stat. § 46-710; and

**WHEREAS** the Papio-Missouri River Natural Resources District submitted the proposed Groundwater Management Plan to the Director of Natural Resources and obtained the Director's approval of the plan as required by Neb. Rev. Stat. § 46-711; and

**WHEREAS** the Papio-Missouri River Natural Resources District noticed and conducted multiple public hearings for the proposed Groundwater Management Plan in compliance with Neb. Rev. Stat. § 46-743.

**BE IT RESOLVED**, that the proposed Groundwater Management Plan is hereby adopted and approved in its entirety.

Roll call was taken on the motion. The motion carried on a vote of 4-yea.

Voting Yea: F. Conley, Fowler, Tesar, Thompson  
Voting Nay: None  
Abstaining: None  
Absent: J. Conley, Leahy

**5b. Review and Recommendation for Adoption of Proposed Groundwater Management Rules and Regulations – Paul Woodward:**

Paul Woodward reviewed the proposed Groundwater Management Rules and Regulations and process. Following the public hearings, District staff, legal counsel and Olsson Associates have reviewed proposed changes to address the public comments and are recommending the following changes in the proposed Rules and Regulations:

- Remove any fertilizer application date restrictions for organic fertilizer. Application date restrictions will only apply to non-organic nitrogen fertilizers.
- Allow minimal levels of non-organic nitrogen fertilizer, less than 40 lbs./acre total, to be applied directly after harvest, but before the ground is frozen (this allows more time to apply and incorporate higher phosphate based fertilizers).
- Revise minimum well spacing requirement of 600 feet to apply between new high capacity wells and any other registered well. This prevents new domestic wells from having to be 600 feet apart from other registered domestic wells.

Paul answered the Directors questions; clarified the dates and types of fertilizer requirements and specific areas affected; and reviewed the state statute that governs the NRD's authority for well permits.

- **It was moved by Director Tesar and seconded by Director F. Conley that the Subcommittee recommend to the Board that the following resolution be adopted:**

**WHEREAS** Natural Resources Districts have the legal authority to regulate groundwater in the State of Nebraska pursuant to Neb. Rev. Stat. § 46-702; and

**WHEREAS** Natural Resources Districts have the authority to promulgate rules and regulations to discharge their duties assigned under the Nebraska Ground Water Management and Protection Act to conserve groundwater resources; and

**WHEREAS** the Papio-Missouri River Natural Resources District proposes amendments to the current Groundwater Rules and Regulations to implement controls set forth in the proposed Groundwater Management Plan; and

**WHEREAS** the Papio-Missouri River Natural Resources District actively solicited public comment and input on the proposed rules and regulations and has noticed and conducted multiple public hearings in compliance with Neb. Rev. Stat. §§ 46-708 and 46-743.

**WHEREAS** the Papio-Missouri River Natural Resources District incorporated the information and input from the public in the proposed amendments to the Groundwater Rules and Regulations.

**BE IT RESOLVED**, that the proposed amendments to the Groundwater Rules and Regulations be adopted and approved and be shall incorporated into Appendix N of the District's Directors Policy Manual.

Roll call was taken on the motion. The motion carried on a vote of 4-yea.

Voting Yea: F. Conley, Fowler, Tesar, Thompson  
Voting Nay: None  
Abstaining: None  
Absent: J. Conley, Leahy

**5c. Review and Recommendation for Adoption of Proposed Groundwater Management Areas – Paul Woodward:**

Paul Woodward reviewed the Adoption of Proposed Groundwater Management area and process. No testimony was provided at any of the public hearings to suggest changes to the proposed GMAs. Therefore, it is recommended that the entire District be designated as a Phase I Groundwater Quality Management Area and a Level I Groundwater Quantity Management Area. Specific areas recommended as Phase II Groundwater Quality Management areas near Tekamah and Springfield are described by Section, Township, and Range in Exhibit C of the proposed Groundwater Management Rules and Regulations. Paul answered the Directors questions.

- **It was moved by Director F. Conley and seconded by Director Fowler that the Subcommittee recommend to the Board that the following resolution be adopted:**

**WHEREAS** Natural Resources Districts have the legal authority to regulate groundwater in the State of Nebraska pursuant to Neb. Rev. Stat. § 46-702; and

**WHEREAS** Natural Resources Districts have the authority to establish groundwater management areas to accomplish the objectives of protection of groundwater quality and/ or groundwater quantity; and

**WHEREAS** the Papio—Missouri River Natural Resources District has identified the proposed Groundwater Management Areas in the proposed Groundwater Management Plan; and

**WHEREAS** the Papio—Missouri River Natural Resources District has submitted to and received approval from the Director of Natural Resources of the proposed Groundwater Management Plan which includes the proposed designation of Groundwater Management Areas; and

**WHEREAS** the Papio—Missouri River Natural Resources District actively solicited public comment and input on the proposed Groundwater Management Areas and has noticed and conducted multiple public hearings in compliance with Neb. Rev. Stat. §§ 46-708 and 46-743.

**BE IT RESOLVED**, that the area of the entire District, and all underlying groundwater, are designated as Groundwater Management Areas, as further described in the District's Groundwater Rules and Regulations, and shall be subject to the controls authorized by Neb. Rev. Stat. § 46-739.

Roll call was taken on the motion. The motion carried on a vote of 4-yea.

Voting Yea: F. Conley, Fowler, Tesar, Thompson  
Voting Nay: None  
Abstaining: None  
Absent: J. Conley, Leahy

**ADJOURNMENT:** Being no further business, the meeting adjourned by acclamation at 7:36 p.m.