

**Programs, Projects, and Operations
Subcommittee Meeting Minutes
February 11, 2020**

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 154th Street, Omaha, NE, on February 11, 2020. The meeting was called to order by Chairperson Conley at 4:09 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 |
|------------------------------|-----------------------------|-------------------------|----------------------------------|
| Danny Begley ** | Larry Bradley * | Jim Thompson | John Winkler |
| Ted Japp | Tim Fowler * | | Marlin Petermann |
| Tim McCormick ** | Kevyn Sopinski * | | Brent Meyer, Legal Counsel |
| Fred Conley, Chairperson | Rich Tesar * | | Nicole Gust |
| | | | Amanda Grint |
| | | | Martin Cleveland |
| | | | Paul Woodward |
| | | | Justin Novak |
| | | | Eric Williams |
| | | | Zach Nelson |
| | | | Dan Kutilek, Douglas County |
| | | | Lindy Rogers, FYRA Engineering |
| | | | Anthony Fitzgerald, Olsson |
| | | | Katie Cameron, ENWRA |
| | | | James Cannia, AGF |
| | | | Jeff Thompson, City of Papillion |
| | | | Spencer Murphy, Baird Holm |
| | | | Other Staff Members |

- * Absent
- ** Alternate Voting Member

ADOPTION OF AGENDA:

- It was moved by Director Japp and seconded by Director Begley that the agenda be adopted.

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

Voting Yea: Begley, Japp, McCormick, Conley
 Voting Nay: None
 Abstaining: None
 Absent: Bradley, Fowler, Sopinski, Tesar

PROOF OF PUBLICATION: Public notice of the meeting was posted at all District offices and published in the Omaha World-Herald on February 6, 2020. The proof of publication affidavit is included with the file copy of these minutes.

1. Review and Recommendation on Amendment to Interlocal Agreement on WP-6 and WP-7 with the City of Papillion and Sarpy County – Amanda Grint:

Project Manager Amanda Grint reminded the Directors of the Interlocal Agreement with the District, City of Papillion and Sarpy County for shared project costs of the WP-6 and WP-7 projects, that was approved in October 2018. Amanda informed the Directors that District staff have continued to work with Sarpy County to review and discuss revisions to original agreement, and she summarized the proposed amendment for consideration. Amanda answered Directors questions.

- **It was moved by Director Japp and seconded by Director McCormick that the Subcommittee recommend to the Board of Directors that the General Manager be authorized to execute the proposed First Amendment to the Interlocal Cooperation Act Agreement with the City of Papillion and Sarpy County for Papio Watershed Regional Flood Control Detention Basins WP-6 and WP-7 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: Begley, Japp, McCormick, Conley
Voting Nay: None
Abstaining: None
Absent: Bradley, Fowler, Sopinski, Tesar

2. Review and Recommendation on Interlocal Agreement with Douglas County for the Transfer of Papillion Creek Watershed PL-566 Structure Site D-20 – Martin Cleveland and Dan Kutilek, Douglas County:

Project Manager Martin Cleveland and Dan Kutilek, Douglas County, briefed the Directors on the history of Papillion Creek Watershed PL 566 Structure Site D-20 which was built by NRCS in cooperation with the NRD. Martin informed the Directors that Douglas County Engineers Office contacted the District about the County purchasing property that includes the Papio D-20 structure for a County wetland mitigation bank. Martin relayed that District staff have evaluated the County proposed project and have determined the transfer of the structure's responsibilities to Douglas County would be appropriate. The NRCS has agreed to allow the NRD to transfer these responsibilities to the County. Martin and Dan answered Directors questions.

- **It was moved by Director McCormick and seconded by Director Japp that the Subcommittee recommend to the Board that the General Manager be authorized to execute an Interlocal Cooperation Agreement with Douglas County for transfer of Papio D-20 Operation and Maintenance, release of existing District Papio D-20 structure easements and sign Amendment No. 11 to NRCS Operations and Maintenance Agreement to remove Papio D-20 from the Agreement, 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: Begley, Japp, McCormick, Conley
Voting Nay: None
Abstaining: None
Absent: Bradley, Fowler, Sopinski, Tesar

3. Review and Recommendation on Agreement with Aqua Geo Frameworks for Airborne Electromagnetic Surveys – Paul Woodward:

Project Manager Paul Woodward reviewed the 13 year partnership between the District and ENWRA projects that have provided valuable insight into the complex geology found in Eastern Nebraska and our District. Paul stated that the District submitted a WSF grant in 2019 for a total project cost of \$700,000 to complete an AEM survey across southern Washington and western Douglas Counties, and has received approval in the amount of \$420,000 (60% cost-share). Paul stated that the District is proposing to continue working with James Cannia, AGF, due to his past experience, and recommends that District consultant selection process be waived. Paul told the Directors that District staff requested AGF to provide a survey plan and potential cost to include an additional 3 mile framework, and explained the purpose for this additional geological data. The District does not currently have sufficient funds budgeted for the WSF grant plus the additional survey and staff is recommending the ENWRA Account be allowed to exceed 110% of the budgeted amount. Adequate funding would be proposed in the budget for FY 21. Paul answered Directors questions.

- **It was moved by Director McCormick and seconded by Director Begley that the Subcommittee recommend to the Board that the District waive the consultant selection process and the General Manager be authorized to execute a professional services agreement with Aqua Geo Frameworks, LLC in the amount of \$1,100,000; and that Account No. 01 05 191 4195, ENWRA – Contributions/Reimb/Cost Shares, be allowed to exceed 110% of the budgeted amount, all for the 2020 AEM Survey 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: Begley, Japp, McCormick, Conley
Voting Nay: None
Abstaining: None
Absent: Bradley, Fowler, Sopinski, Tesar

4. Review and Recommendation on Conservation Agreement E&S Complaint (Michael Cornwell) – Justin Novak:

Field Representative Justin Novak reviewed the Erosion and Sediment Complaints submitted against Michael Cornwell, and the subsequent recommendation to the Board to find a probable violation be found against Mr. Cornwell which was approved by the Board in December 2019. Justin stated that the NRD, NRCS and Michael Cornwell have been working towards solutions, and the District and Mr. Cornwell have signed a Conservation Agreement and Conservation Plan for Completion. Staff recommends that upon completion of this plan, Michael Cornwell will be in compliance. Justin and District Legal Counsel Brent Meyer answered Directors questions.

The following members of the public addressed the Subcommittee:

➤ Spencer Murphy, Baird Holm LLP, 1700 Farnam St., Suite 1500, Omaha, NE

- **It was moved by Director Japp and seconded by Director Begley that the Subcommittee review and recommend to the Board that the Conservation Agreement and Conservation Plan and find that, upon completion of the Conservation Agreement and Conservation Plan, Michael Cornwell will be in compliance with the District's Erosion and Sediment Control Program Rules and Regulations.**

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

Voting Yea: Begley, Japp, McCormick, Conley
Voting Nay: None

Abstaining: None
Absent: Bradley, Fowler, Sopinski, Tesar

5. Review and Recommendation on Elkhorn River Stabilization Project (01-03-547-4400) Account over 110% – Eric Williams:

Project Manager Eric Williams reviewed the process of budgeting for the Elkhorn River Stabilization Project for FY 2020 following the flooding in March 2019 which showed need for bank stabilization and reconstruction along the IPA (Improvement Project Area). Eric explained that due to changing site conditions, tight bidding market, and increased material cost, the contract award in the amount of \$850,696 was higher than the original estimate in the FY 2020 budget. In addition to this there was need for additional rock stabilization to complete the project. Eric stated that the total repair work exceeds funds collected by the IPA through its annual assessment, and the contractor will need to be paid from the general fund pending FEMA reimbursement. Eric and Project Manager Amanda Grint answered Directors questions.

- **It was moved by Director Begley and seconded by Director McCormick that the Subcommittee recommend to the Board that the account for Elkhorn River Stabilization (01-03-547-4400) be allowed to exceed the budgeted amount by up to \$940,000.**

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

Voting Yea: Begley, Japp, McCormick, Conley
Voting Nay: None
Abstaining: None
Absent: Bradley, Fowler, Sopinski, Tesar

6. Review and Recommendation on Urban Drainageway Project, Tara Hills Park – Eric Williams and Jeff Thompson, City of Papillion:

Project Manager Eric Williams and Jeff Thompson, City of Papillion, briefed the Directors on the Urban Drainageway Program's Tara Hills Park Project which is continuing to work to stabilize and restore the channel along the east side of the park. The City of Papillion has requested an increase of funding from the District as all bids for this project exceeded the opinion of probable cost. TD2, serving as the engineer for this project, recommended that the contract go to CDS Enterprise, LLC in the amount of \$357,059. A budget amendment, including additional funding to complete this project was submitted February 3, 2020, and upon approval and additional funding from the NRD, Papillion expects to award this contract and move forward with construction. Eric and Jeff answered Directors questions.

- **It was moved by Director Japp and seconded by Director Begley that the Subcommittee recommend to the Board to increase funding for the Tara Hills Drainageway Stabilization project with the reimbursement amount not to exceed \$174,000.**

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

Voting Yea: Begley, Japp, McCormick, Conley
Voting Nay: None
Abstaining: None
Absent: Bradley, Fowler, Sopinski, Tesar

7. Review and Recommendation on Professional Services Agreement with Olsson, Inc. for the Design of Kramper Lake/Hubbard Water Main Extension Project – Zach Nelson and Anthony Fitzgerald, Olsson:

Project Manager Zach Nelson reviewed the history of the Kramper Lake/Danish Alps Recreation area and stated that as the recreation area grows in popularity, continuous improvements should be made to maintain the property. Zach reminded the Directors that at the September 2019 Board meeting staff discussed need for a feasibility study to extend a DCRW main to serve the recreation area. The study was completed by Olsson revealing that the extension would serve the recreation area, although a new booster pump station and standpipe would need to be built as well. Zach summarized the four phases of the agreement that staff is recommending with Olsson with the recommendation to move forward with phase one and two this Fiscal Year. Zach stated that Phase three would be paid by DCRW system as it is not directly related to serving the recreation area. Zach and Anthony Fitzgerald, Olsson, answered Directors questions.

- **It was moved by Director Begley and seconded by Director McCormick that the Subcommittee recommend to the Board that the District's procurement procedure Policy 15.2 be waived and the General Manager be authorized to execute a professional services contract with Olsson, Inc. for the Kramper/Hubbard & Fiddler Creek Water Main Extension Project, for a maximum, not to exceed, amount of \$181,100, 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: Begley, Japp, McCormick, Conley
Voting Nay: None
Abstaining: None
Absent: Bradley, Fowler, Sopinski, Tesar

ADJOURNMENT: Being no further business, the meeting adjourned by acclamation at 5:15 p.m.