

## MEMORANDUM

TO: Programs, Projects, & Operations Subcommittee

SUBJECT: BCDM Request for Additional Professional Services Fees for Elkhorn River Public Access Site at W. Dodge Rd.

DATE: January 4, 2007

FROM: Dick Sklenar

Attached is a request from BCDM that the District consider a request for additional service fees in the amount of \$23,690.00 regarding the W. Dodge Rd. public access site along the Elkhorn River.

The additional services are related directly to the Nebraska Dept. of Roads, and the City of Elkhorn, requests for specific design of the entry road and drainage culverts to the site. Such requests will necessitate further study and additional coordination with these governmental entities, which were not anticipated when the original contract was developed. The current contract amount with BCDM for this site is \$55,000.00.

Attached is the explanation for the request explaining the additional duties and tasks that would be performed.

**It is recommended that the Subcommittee recommend to the Board of Directors that the professional services contract with BCDM for development of the Elkhorn River Public Access site on W. Dodge Rd. be amended to a not to exceed amount of \$78,690.00.**



3 January 2006

Mr. Dick Sklenar  
Papio-Missouri River Natural Resources District  
8901 South 154<sup>th</sup> Street  
Omaha, Nebraska 68138-3621

RE: Elkhorn River Dodge Street Access  
BCDM Project No. 4385-00

Dear Dick:

As you and our office have verbally discussed, this letter serves as a request for additional professional services for the above mentioned project. This request is generated by a letter from the Nebraska Department of Roads requiring a drainage study and all contract documents to be designed and drafted by a Nebraska licensed Civil Engineer for the proposed new entry drive across NDOR property (enclosed Exhibit A). The expanded scope of services shall be performed by our project sub-consultant, Olsson Associates (enclosed Exhibit B scope of services and fee). The cost of these additional services is \$23,690.00.

When we negotiated the Contract for this project, it was our understanding that the parcel of land off of Lacy Drive, from which we will be accessing the site, was under private ownership and that an easement would need to be acquired through P-MRNRD efforts (enclosed Exhibit C). The design of the new entry was to be provided under our office as a driveway and not as a public/Right-of-Way road. It was understood that encroachment of the project onto NDOR property would be minimal as proposed new grading would blend into their Right-of-Way embankment. As confirmed by a land title provided to our office by P-MRNRD in September 2006, the parcel of land off of Lacy Drive is under NDOR ownership. We feel that it is important to elaborate more regarding the sequence of events which have led to this request:

1. **20 August 2006:** BCDM and OA met with NDOR to review proposed grading encroachment onto Right-of-Way embankment. NDOR indicated that property south and west of their Right-of-Way was under separate private ownership and that P-MRNRD would need to seek an easement (enclosed Exhibit D- email summarization of NDOR meeting to you). At that time no road construction was proposed on presumed NDOR property (enclosed Exhibit E).

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Mr. Dick Sklenar  
3 January 2007  
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2. **25 August 2006:** BCDM met with the City of Elkhorn to review proposed entry drive. City of Elkhorn indicated property off of Lacy Drive was privately owned and provided information on the land owner (enclosed Exhibit F) in order for an easement to be sought.

In addition to the design of the entry drive and drainage study, this request includes additional services to analyze and engineer an extension of the existing a typical culvert section. A typical culvert section was not constructed at this location and NDOR does not have plans available to our consultant resulting in unforeseen field study and structural analysis.

The justification to the additional services for the road construction is not intended to be interpreted as "finger pointing" at any cited office or jurisdiction. It is indication of conflicting understandings of project scope and of land ownership by different entities that was not resolved until September and would not have been evident at the time of Contract negotiations. Whether there was any underestimation of the efforts required to extend the existing culvert is debatable. Contingent upon approval of these additional services by the Board on 9 January 2006, the road plans and permit application could be ready for submission to NDOR by 4 February 2006. Pending required reviews by NDOR and potentially the Nebraska Game and Parks Commission (grant funded stipulation), Contract Documents would be provided to the P-MRNRD Board for approval to solicit bids in May and an award of Contract in June for a June through September construction phase.

Thank you, Dick. As always, should you have any questions, please do not hesitate to call.

Sincerely,



Dave Ciaccio  
Bringer Ciaccio Dennell Mabrey, Inc.

DC/mms

c: File 4385-00, 0.0

# EXHIBIT A



Dave Heineman  
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS  
John L. Craly, Director

November 21, 2006

Michael Piernicky  
Olsson and Associates  
2120 S. 72<sup>nd</sup> Street, Ste. 1400  
Omaha, NE 68124-6316

Dear Mr. Piernicky,

This letter is in regard to the access for the NRD at L28B and Skyline Road. The Department of Roads will need the following to begin the review process:

1. Right-of-way permit application.
2. Preliminary plans.
3. A drainage study.
4. Grading information

The Department of Roads will be able to begin reviewing the permit request once the listed items have been received. If any additional information is needed, you will be contacted at that time. If you have any questions, please feel free to contact me at my office at 4425 S. 108<sup>th</sup> Street, Omaha, NE 68137 or (402) 595-2534 ext. 209.

Sincerely,

A handwritten signature in cursive script that reads "JoEllen Edgington".

JoEllen Edgington  
District Right-of-Way Permits Officer

# EXHIBIT B

## ELKHORN RIVER CANOE ACCESS SITE-WEST DODGE ROAD, ELKHORN, NE SCOPE OF SERVICES and FEE

The scope of services includes work associated with the design of the drive and extended box-culvert for the proposed Elkhorn River canoe access site at West Dodge Road in Elkhorn, Nebraska. The design will include the section of the drive from Lacy Drive to the Papio-Missouri River NRD property. Special attention will be given to existing drainage patterns and structures, as well as steep grades on the site.

The following is a breakdown of the transportation tasks necessary to accomplish the design.

### **Group 1: Road**

#### ***Task 1: Roadway Design***

Because the expected use for this drive will be only to access the boat ramp and the ADT will likely be less than 50 vpd, this road qualifies as a local road with design standard RL3, per the Board of Public Roads Classifications and Standards and the NDOR Minimum Design Standards. Per this standard, the drive will be designed with two ten foot lanes, three foot turf shoulders, 2:1 side slopes, and 10% maximum longitudinal grade. Design speed for the drive will be 30 mph. One design option will be considered for this drive, including both horizontal and vertical alignment, as well as any associated drainage for the drive. Special consideration will be given to the culvert crossing, given the steep side slopes, to protect any vehicles that may leave the road.

Included in the roadway design task is all drafting that will be required to generate the plan set, as well as review by the coordinating professional.

This task will also include special plans and supplemental specifications.

#### ***Task 2: Meetings***

Four meetings (NDOR, Elkhorn and the NRD) are assumed for this task. This will include meeting preparation and attendance.

#### ***Task 3: NDOR Permitting***

This task includes all preparation required to obtain the necessary permits from the NDOR. In addition to the standard permits, a waiver of design standards from the Board of Public Roads Classifications and Standards will likely need to be obtained. Given the steep grades on the site, it is presumed that it will not be possible to design the drive to the design standards specified within the RL3 standards. Specifically, the longitudinal grade may be to be greater than 10%. This task will include all preparation necessary to obtain this waiver.

### **Group 2: Culvert**

#### ***Task 1: Drainage Study***

This task includes completing a Hydrologic and Hydraulic analysis of culverts affected by the project including field surveying, data gathering, technical analysis, NDOR coordination and report preparation/presentation.

#### ***Task 2: Structural Design***

This task includes a structural analysis of reinforced box culvert extension.

#### ***Task 3: Engineering Services***

This task includes developing grading plans, plan preparation and NDOR coordination for extension of reinforced box culvert.

## **COMPENSATION**

The fee to accomplish the design engineering services for this project will be conducted on a time and expense basis as follows:

Group 1:

All Tasks: \$8,970

Group 2:

Task 1: \$9,315

Task 2: \$1,725

Task 3: \$3,680



**EXHIBIT D**

Dick

I received your return message and would like to get you a re-cap of the meeting with NDOR before we talk. I will be out of the office a portion of Monday morning and will try to reach you when I return.

As mentioned, members from Olssons and I met with Tim Weander at NDOR Thursday to review the proposed road access. I have attached 2 PDF's showing the options we presented.

The summary points are as follows:

1. NDOR is agreeable to our egress adding fill material onto their bank.
2. They will require a 10' flat bottom swale on the north side of our road to accommodate drainage which in turn will widen the committed area for our road to the south.
3. There is an existing storm line running from SE to NW in the NW corner of their ROW which we could possibly tap into with a new drop down structure.
4. Land to the SW of the State ROW is by private ownership. It is inevitable that the NRD will need to approach this land owner to negotiate additional easement ROW. This item is the most urgent to the solution and falls to the NRD for resolve.
5. An extension of the box culvert by 10' (approx) appears necessary with appropriate rip-rap extension. Permission will be granted by NDOR for NRD to construct.
6. We are in the process of contacting Dan Kutielek, Doug Co. Engineer for their requirements for minimum construction and gradient standards for the road.

Given the parameters of the meeting and as you look at the 2 PDF's, here are some comments about the initial design:

1. The single curved road that accesses the site within the State ROW is of a gradient of 10% with a steep 20% stretch just before the culvert. Reducing the gradient to 8% and extending the built up embankment further west into the open plain has yet to be done and will be done once the County weighs in on standards.
2. The second options with the switchback provides a better 8% gradient (contours not drawn but length of road was calculated to hit 8%), would cause people in and out to slow down on the road, but accesses the site from the private ownership land.
3. In both cases there is an open culvert up close to the entry that will be dealt with in the final road design. It should not pose much of an issue by comparison to the rest of the road getting past the box culvert.

One additional issue that may come into play with negotiating with the private land owner: NDOR granted an easement to the land owner to develop landscaping and possibly other development with Skyline drive frontage (east edge). NDOR admits that they failed to take note of their existing storm line running from SE to NW through this area and will have to revoke the grated easement from the land owner. We were very specific with Mr. Weander that we need their contact with the land owner on this needs to be clear that the NRD access road has no involvement with this action. If the land owner incorrectly perceived their loss of easement due to our project, negotiating the additional area we need could become problematic.

#### Second Item: Waterloo Access correction

I met with Jim Dostal Thursday as well and he is to speak with Himes Corp. regarding equipment needed for a sheet pile resolution. As we talked it through, Jim and Bodie Dostal do think it may be possible to use a small enough machine that will not impact the sidewalk or geoweb ramp. Basically the size of a skid. I am contacting ASP Monday who provided the vinyl piles to verify whether they can be an option of pile to bear the concrete planks on. Steel is certainly preferred, but alternatives are being looked at based on cost, equipment, etc. The idea is to create a perimeter boundary of pile around the extending planks, inset 6" in from the edge of planks to conceal the cut edge. The volume in the void will receive fabric underlayment and rock to receive

bearing of the planks. I agree with the priority of preserving the constructed site, and we are trying to study every option to do the ramp repair without having to revisit it while not tearing up the rest of it all.

I will be in contact.

Thank you.

Tom

**THOMAS L. BENTLEY**

L.E.E.D Accredited Professional

tbentley@bcdm.net

Direct Line: (402) 384-6435

**BERINGER CIACCIO DENNELL MABREY**

**OMAHA - DES MOINES**

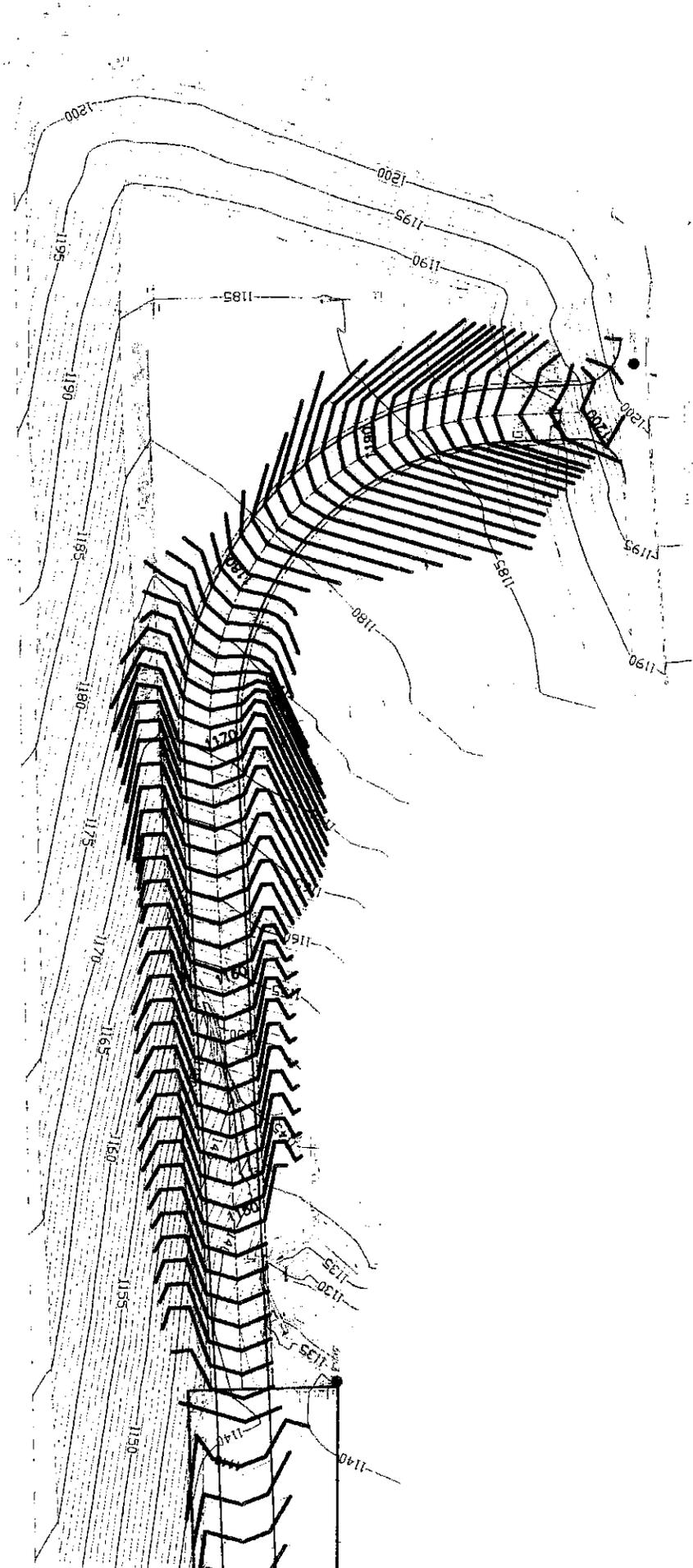
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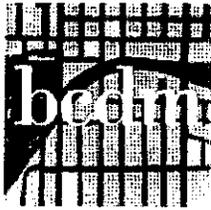
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EXHIBIT E





MEETING MINUTES

OWNER: P-MRNRD	DATE: 25 August 06
PROJECT Elkhorn River Public Access Dodge St	BCDM #: 4383
LOCATION: River and Dodge Street	PAGE 1 OF 1

PERSONS PRESENT

- Don Eikmeier City of Elkhorn 289-2678 ext. 303
- Tom Bentley BCDM 384-6435

MEETING MINUTES

- Discussion took place to introduce and review the intent of the River Access project and access for City comment and position.
- Mr. Doug Pugh (tele: 740-9586) was identified as the property owner of the parcel that the NRD will need to contact for purchasing additional R-O-W.
- The City Engineer will be consulted to determine the minimum distance that the access drive apron needs to be on Lacy Drive. from the intersection with Skyline Drive. BCDM to be contacted as soon as that determination is made. Will call City to request answer by Tuesday, August 29. At this time the revised road solution will continue forward reflecting a drive apron centered over the existing culvert as discussed.
- Elkhorn has a concern about the surface of the new access road on the steeper gradient from the entry off of Lacy Drive. to the box culvert. BCDM will provide Elkhorn's City Engineer with the gradients of the revised layout and a determination will be made as to what the constructed surface (beyond the public R-O-W) will be required to be (aggregate vs. asphalt/concrete). The question was posed and verified that the City of Elkhorn does have jurisdiction over this determination and not merely strong recommendation.
- Upon acquisition of additional property or easement, the City will require a re-plat be conducted and recorded. Due to the scale, the process can be accomplished administratively with a single reading at the Planning Board Hearing. Drive surface requirements will be defined and recorded in this process.
- A building permit will be required for the vault restroom building only. Copy of authorization for construction in the flood plain is to be sent to the City.

SIGNATURE:

DATE: 25 August 2006

TYPED NAME: Tom Bentley

C: Dick Sklenar- P-MRNRD  
Craig Helle- OA