

**Programs, Projects & Operations
Subcommittee Meeting
February 6, 2007
8:00 p.m.
Agenda**

Programs, Projects & Operations:

John Conley, Chairman
Rich Tesar, Vice-Chairman
Fred Conley
David Klug
Rick Kolowski

Alternate Members: Dorothy Lanphier
Jim Thompson

Staff Liaison: Gerry Bowen
Martin Cleveland
Ralph Puls
Dick Sklenar *
Paul Woodward

1. Meeting Called to Order – Chairperson John Conley
2. Notification of Open Meetings Act Posting and Announcement of Meeting Procedure – Chairperson John Conley
3. Quorum Call
4. Adoption of Agenda
5. Proof of Publication of Meeting Notice
6. Review and Recommendation on Re-Bidding of MoPac Equestrian Trail – Gerry Bowen
7. Review and Recommendation on Tern and Plover Conservation Partnership Funding (Held over at the December 14, 2006 and January 11, 2007 Board Meetings) - Gerry Bowen and Renae Held, UNL School of Natural Resources
8. Review and Recommendation on Platte River Instream Flow Memorandum of Understanding – Gerry Bowen and Kirk Nelson, NE Game and Parks
9. Review and Recommendation on Papio Creek Watershed Agreement No. 8 for Papio Creek Watershed P.L. 566 Structure W-3 – Martin Cleveland and Chuck Leinen, NRCS
10. Review and Recommendation on Waterloo Request for Additional Funds on Waterloo Trail Phases 2 and 3 – Gerry Bowen

11. Review and Recommendation on Papio Creek Bank Stabilization Project Bids – Martin Cleveland
12. Review and Recommendation on Grant Contract with Nebraska Game and Parks Commission for Elkhorn River Public Access on West Dodge Road – Dick Sklenar
13. Adjourn

Memorandum

To: Programs, Projects and Operations Subcommittee
Subject: Mopac Equestrian Trail – Re-bidding of Project
Date: January 29, 2007
By: Gerry Bowen

The chronology of the Mopac Equestrian Trail Project is attached for your reference. This is to provide clarity for Ms. Fraser's testimony at the February Board meeting. In addition, we visited with Mr. Dan Schulz with the Lower Platte South NRD regarding the Oak Creek Trail. He noted that the Horse Council did work to help prepare the Oak Creek for equestrian use. The LPSNRD provided chemicals and some tools. They also used their equipment (skid-steer loader) to clear critical areas.

Management has evaluated the Mopac Equestrian Trail Project, the amount of work, and the bids and has arrived at a recommended course of action to complete the project. It involves a combination of eliminating some project elements, performing some work (tree clearing) in-house and contracting out the remainder of the work as follows:

1. NRD staff (Walnut Creek Lake) will perform all of the clearing necessary to create a separate pathway through the corridor, primarily the northern 1.5 miles. This would be accomplished using the District's skid loader and chain saws. Trees would be cut off at the ground surface and stumps chemically treated. Cleared trees will be placed along the corridor to form a natural barrier, and to provide habitat.
2. The existing bridge surface (metal grate) will be left as is on both bridges.
3. Fencing will be limited to the east side of the trail right-of-way between Buffalo Creek and Cornish Road and the quarter-mile stretch immediately north of Buffalo Creek (contracted item).
4. The trailhead parking lot will be installed (contracted item).
5. Only one of the pedestrian trail culverts (four were included in the original project) will be extended to accommodate the equestrian usage (contracted item).

The engineer's cost estimate (see attached) for this revised work plan is \$55,000. The funding sources would be as follows:

Game and Parks Commission	\$40,000
Mopac Horse Council	7,500
NRD	<u>7,500</u>
	\$55,000

It is proposed that bidding for the contracted items would occur during February with a recommendation regarding the bids presented at the March 8, 2007 Board meeting. The tree clearing work by NRD staff is proposed to begin the week of February 12th, and is expected to be completed prior to the March Board meeting.

It is recommended that the Subcommittee recommend to the Board that the Mopac Equestrian Trail Project be modified as proposed and that competitive bids be sought on the amended project for consideration in March.

Memorandum

To: Programs, Projects and Operations Subcommittee

Subject: Tern and Plover Conservation Partnership – Request for Funding

Date: January 26, 2007

From: Gerry Bowen

At the December meeting, the Board considered a funding request from the Tern and Plover Conservation Partnership (TPCP), a cooperative venture, including the University of Nebraska-Lincoln (UNL) and the Nebraska Game and Parks Commission (NGPC). Their mission is to protect the endangered least tern and the threatened piping plover, and to prevent and resolve conflicts with the sand and gravel industry. The species use the sand and gravel mining areas for nesting. The request was for a contribution of \$5,000 in 2007 to help fund seasonal personnel to monitor tern and plover nesting sites along the Platte and Elkhorn Rivers, and to help resolve conflicts as they arise throughout the year.

In January, the Board raised questioned the legality of the District cost-sharing with the University Of Nebraska on this and other projects. District Legal Counsel Paul Peters has responded (see attached memo) regarding this issue. His conclusion is that there were no statutes that prevented the District from cost sharing on this project.

Management recommends that the Subcommittee recommend to the Board that the District provide financial assistance in the amount of \$5,000 to support the 2007 program activities of the Tern and Plover Conservation Partnership.

Memorandum

To: Programs, Projects and Operations Subcommittee

Subject: Lower Platte River Instream Flows

Date: January 29, 2007

By: Gerry Bowen

In 1998, the Nebraska Department of Natural Resources (NDNR), then called the Department of Water Resources, granted the Nebraska Game and Parks Commission (NGPC) an instream flow water right for fish on the Lower Platte River. Current state law allows for a review of the right every 15 years ensuring that the water right is still being used for the intended purpose. This review also allows the NGPC the opportunity to make changes in the water right, if they so desire. In preparation for a review in 2013, the NGPC and the NDNR are contemplating a cooperative work group consisting of various governmental entities and other groups that have an interest in the Lower Platte River whose function is to review this instream flow water right.

The District has been approached to join this group through the attached Memorandum of Agreement. Parties to the agreement include 11 NRDs, 4 power districts, MUD, and 2 state agencies (NDNR & NGPC). The purpose of the effort is to prepare a scope of services, budget, and schedule for study to review NGPC's instream flow water right on the Platte. It is proposed that NGPC Staff prepare these items and present them to the work group when completed. The term of the agreement is one year.

The agreement does not call for a financial contribution at this time. It is hoped that this work group with its varied and, at times, oppositional views could attract funding from a variety of sources to conduct the instream flow studies. If funding were required in the future, an Interlocal Cooperation Act agreement would need to be executed.

Mr. Kirk Nelson with the NGPC will attend the Subcommittee meeting to explain this effort in more detail. Information on Nebraska's Instream Flow Laws is also attached.

Management recommends that the Subcommittee recommend to the Board that the General Manager be authorized to execute the proposed Memorandum of Agreement Relating to a Lower Platte River Basin Instream Flow Work Group.

Agenda Item 9:

MEMORANDUM

TO: Programs, Projects and Operations Subcommittee

FROM: Martin P. Cleveland

SUBJECT: Papio Creek Watershed PL566 Structure #W-3
Rehabilitation Assistance
Supplemental Watershed Plan and Environmental Assessment and
Papillion Creek Watershed Agreement No. 8

DATE: January 29, 2007

Approximately six years ago, the USDA – Natural Resources Conservation Service (NRCS) initiated a dam rehabilitation assistance program to address the needs of aging dams throughout the United States, in particular those dams built through their Public Law (PL) 566 Program. The PL 566 Program has been designing/building dams for about 65 years.

The District owns/operates 83 dams, 50 of which were built via the PL 566 Program. The District's PL 566 dams built in the period from 1962 to 1997. In March 2005 the District initiated dam rehabilitation with NRCS on Papillion Creek Watershed PL 566 Structure #W-3 via execution of Memorandum of Understanding for rehabilitation assistance.

Enclosed is the Papillion Creek Watershed Supplemental Watershed Agreement No. 8 for structure #W-3 for your review. This agreement provides for rehabilitation to high hazard level with cost share and estimated costs for referenced dam (#W-3). This agreement is subject to NRCS and NRD funding. Also enclosed is a summary of Watershed Plan Supplement and Environmental Assessment for structure #W-3. This plan must be approved by local sponsor (NRD) prior to it being forwarded to NRCS headquarters in Washington, DC.

The estimated total rehabilitation project costs to be paid by sponsor (NRD) and NRCS are as follows:

Works of Improvement	Sponsors (NRD)	NRCS	Estimated Project Costs
Rehabilitation Of GSS W-3	\$158,100^{2/}	\$293,600^{1/}	\$451,700
	35%	65%	100%

1/ Estimated Project Costs exclude \$60,100 in NRCS Engineering and Project Administration costs. NRCS pays 100% of planning and engineering costs.

2/ Sponsor (NRD) is required to secure land rights for this structure and the cost is credited towards sponsor's 35%.

It is Management's recommendation that the Subcommittee recommend to the Board that the General Manager be authorized to execute the proposed Papillion Creek Watershed Supplemental Agreement No. 8 with NRCS for rehabilitation of PL 566 Grade Stabilization Structure #W-3, subject to changes deemed necessary by the General Manager and approved to as to form by District Legal Counsel.

Memorandum

To: Programs, Projects and Operations Subcommittee

Subject: Village of Waterloo – Request for additional funding on Phases 2 and 3

Date: January 26, 2007

From: Gerry Bowen

The District approved a cost share request from the Village of Waterloo to equally share the local costs (after state and/or federal were applied) for the construction of Phases 2 and 3 of the Waterloo Trail Project. The Nebraska Game and Parks Commission approved the project and are providing the majority of the cost share assistance. The Village originally requested \$32,105 in cost share in 2005.

The NGPC required that both Phases of the trail be built to a width of 10 feet. Phase 3 of the trail was to be built on the levee encircling the Village. An eight foot trail was planned by the Village due to the narrower levee width. Therefore, the local share was estimated to increase approximately \$10,999. This increase was reflected in the FY 06 Budget for the project. The budget amount was then \$43,104, and was carried forward into the FY 2007 budget at that level.

The project was constructed and is now complete. The Village is requesting an additional \$7,016 for a total of \$51,120. The NGPC (see attached letter) has determined that a short section of trail as not eligible for cost share assistance. This was due to a short section of trail that would be shared by an adjacent landowner who needed to use the paved area of the trail to access his property (the trail was located on a platted street resulting in the shared use). This was a negotiated settlement between the Village and the landowner. Right-of-way costs for the Village would have been considerably higher if this settlement had not been reached.

Further complicating the issue was that the project was approved prior to the District's Trails Assistance Program, when the District had "promised" to equally share the local costs of the project.

Management recommends that the Subcommittee recommend to the Board that the Village of Waterloo's request for an additional \$7,016.00 or a total of \$51,120.00, for cost share on Phase 2 and 3 of the Waterloo Trails Project be approved.

MEMORANDUM

TO: Programs, Projects and Operations Subcommittee

FROM: Martin P. Cleveland, Construction Engineer

SUBJECT: Papillion Creek Bank Stabilization Project Bids (Project 529H)

DATE: January 25, 2007

Attached are location maps and a typical cross-section for the referenced creek bank stabilization project. The work consists of placing rock rip-rap along the creek bank of the Big Papillion Creek at one location between 84th Street and I-80 (Omaha, NE), Papio Creek at one location between 25th and 36th Streets and one location between Fairview Road and Ft. Crook Road in Bellevue, NE. The work includes the furnishing of the labor, materials, equipment, tools and incidentals necessary to install approximately 8,600 tons of rock rip-rap bank protection along approximately 2,150 linear feet of creek bank. The contract provides for 50 working days to complete the project and in a typical weather year this would result in a May 30, 2007 completion deadline.

A bid summary is attached for your consideration. The apparent low bidder is Midwest Dumpers, Inc., with bid as follows:

SITE	EST. TONS	UNIT PRICE	TOTAL COST
A	1,400	\$23.10/Ton	\$32,340
B	2,000	\$22.90/Ton	\$45,800
C	5,200	\$23.40/Ton	\$121,680
TOTALS	8,600		\$199,820

Based on the estimated total rip-rap quantity of 8,600 tons the total project cost (total base bid) would be \$199,820. The Engineer's estimate for total project cost is \$198,000.

This work will be funded via funds included in Project Maintenance General Contract Work (Account 010312 4479) and Maintenance Materials (Account 010312 4477). As of January 5, 2007 remaining funds in these accounts were \$47,386 + \$251,645 = \$299,031.

It is Management's recommendation that the Subcommittee recommend to the Board of Directors that the General Manager be authorized to execute a contract for rock rip-rap bank stabilization work at three (3) sites on the Papillion Creek System with Midwest Dumpers, Inc., for their total base bid of \$199,820.

MEMORANDUM

TO: Programs, Projects and Operations Subcommittee

FROM: Dick Sklenar, Projects Manager

SUBJECT: Trails Development Assistance Fund Project Agreement

DATE: January 30, 2007

The Nebraska Game and Parks Commission recently approved a grant in the amount of \$74,000 for the District's proposed development of the Elkhorn River public access on West Dodge Road. The District was one of just a few of the recipients to receive a grant from the Trails Development Assistance Fund (TDA).

Attached is the project agreement with the Game and Parks Commission regarding the general conditions and terms with which the District must comply in order to receive the grant?

It is recommended that the Subcommittee recommend to the Board of Directors that the Trails Development Assistance Fund Project Agreement for the Elkhorn River public access on West Dodge Road to be approved and that the General Manager be authorized to execute said Agreement.