

**Programs, Projects & Operations
Subcommittee Meeting
February 12, 2008
6:30 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
Amanda Grint *
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. Report on Trail Users’ Study – Gerry Bowen and Dr. Don Greer
7. Review and Recommendation on City of Omaha Request for Improvements to the Cunningham Lake Marina – Gerry Bowen; Larry Foster, City of Omaha; and Connie Spellman, Omaha By Design
8. Review and Recommendation on Groundwater Management Plan – Agreement with USGS for Trends Analysis – Gerry Bowen, Rick Wilson and Virginia McGuire, USGS
9. Review and Recommendation on Little Papio Channel Project – Bids for Removal of Former Union Pacific Railroad Bridge G-18 – Martin Cleveland
10. Review and Recommendation on Turtle Creek Structure #2 Rehabilitation Project – Professional Services Contract with HDR Engineering – Martin Cleveland

11. Review and Recommendation on Tekamah-Mud Watershed Structure #4-1 Bank Stabilization Project Bids – Martin Cleveland
12. Review and Recommendation on Revised Ice Jam Explosive Services Contract – Paul Woodward and Paul Peters
13. Adjourn

Agenda Item 6

Report on Trail Users' Study – Verbal report will be given at the PPO meeting.

Memorandum

To: Programs, Projects and Operations Subcommittee

Subject: Cunningham Lake Marina

Date: January 30, 2008

From: Gerry Bowen

The District has received a request for financial assistance from the City of Omaha Parks Recreation and Public Property Department to make improvements to the Cunningham Lake Marina (see attached). The improvement project will include 60 boat slips, 25 moorings, a dry sail storage area, parking lots, access road, walkways, and a restroom facility at the marina.

The total cost of the marina improvements is estimated to be \$1,016,038, of this, the City is requesting \$250,000. The City intends to use bond funds for the remainder of the costs.

As noted in the attached letter, the District previously cost shared with the City on improvements to the N.P. Dodge Marina in 1999 and 2000. The cost share amount was \$250,000.

Management recommends that the Subcommittee recommend to the Board that the City of Omaha's cost share request for improvements to the Cunningham Lake Marina in the amount of \$250,000 be approved, subject to funds being included in the District's Fiscal Year 2009 Budget.

Memorandum

To: Programs, Projects, and Operations Subcommittee

Subject: US Geological Survey (USGS) Water Quality Monitoring

Date: January 30, 2008

From: Gerry Bowen

In December, 2007, the District considered a proposal from the USGS to conduct an analysis of the water quality data collected in the District since 1992. The proposal was not approved at that time, however USGS and Management were asked to revise the proposal and re-submit to the Subcommittee for consideration at a later date.

USGS has submitted the attached revised proposal. The following description of the District's monitoring effort is included here for clarity.

USGS Irrigation Well Monitoring:

In 1992 and with guidance from USGS, the District identified ninety-four (94) irrigation (primarily) wells in five different groundwater areas for monitoring water quality. The groundwater areas are Missouri River, Platte River, Elkhorn River, Upland, and Dakota. Each well is sampled at least every four years. The wells are tested for a wide variety of parameters (nitrates, pesticides, major ions, and trace metals). The data is maintained for each well, used for comparison with other wells, and to determine if a water quality problem exists. If a problem is identified, we follow the procedures outlined in the GWMP. The network was established in 1992 and sampling has proceeded annually thereafter.

USGS Well Nest Monitoring:

Again to build a data base of water quality and quantity in the District, we established 9 well nests in the groundwater areas listed above (one nest in the Dakota, and two each in the other areas). Each well nest contains two or three wells screened at different levels (shallow, medium, or deep) so that a complete picture of the aquifer can be drawn. Shallow wells sample the upper five feet, medium measures the middle five feet, and deep wells sample the lowest five of the aquifer. This sampling has been occurring for the past six years. Each sample is analyzed for a wide array of parameters on a semi-monthly pattern between April and November. Water level measurements are also recorded at each nest.

NRD Water Level Monitoring:

Each spring and summer, the District records water level measurements on 30 irrigation wells throughout the District. This information is submitted to the UN-L Conservation and Survey Division where it is compiled into a statewide database for groundwater levels.

The sampling and analysis is done by USGS personnel and the costs are shared via a cooperative agreement. The NRD share of the costs comes partially from the Natural Resources Water Quality Fund (NRWQF). The District has been budgeting approximately \$95,000 each year for this program, offset by approximately \$32,000 in NRWQF funds as a revenue source.

The revised USGS proposal covers federal fiscal years (FFY) 2008-2010 and includes the following:

1. Continue to gather water quality data in the manner described above for the next three fiscal years. In addition to the parameters mentioned above, the following will also be done:
 - a. Test for explosives and volatile organic compounds at the Venice well nest site on an annual basis.
 - b. Assist the NRD in identifying 3 or 4 more USGS irrigation wells to be included in the District's water level monitoring program.
2. An analysis of the groundwater data collected since 1992 to determine the groundwater conditions in the District.
3. Suggest possible changes to the monitoring program in response to this analysis.
4. Suggested possible changes to the District's Groundwater Management Plan in response to this analysis.
5. Create a web page for each county in the District on the USGS Nebraska Water Center website detailing the water quality data collected to date. These sites will be updated annually.

The total cost of the sampling, analyzing, and investigative report is estimated at \$373,600 (\$2,700 less than the previous proposal). USGS will provide 20% funding for the project, or \$74,740. The total District cost will be the remaining 80%, or \$298,860 over the next three federal fiscal years (NRD fiscal years 2008-11) as shown below.

Agency	FFY 2008	FFY2009	FFY2010	Totals
USGS	\$32,900	\$32,040	\$9,800	\$74,740
P-MRNRD	\$131,600	\$128,160	\$39,100	\$298,860
Total	\$164,500	\$160,200	\$48,900	\$373,600

The District's previous agreement with USGS expired on September 30, 2007 (end of the federal FY 2007). The proposal summarized above would involve a new agreement with USGS to accomplish.

To date, the District has paid \$40,700 under Account #05-00-4485 to satisfy the previous agreement, leaving a balance in that account of \$53,975. If adopted, the new agreement would require an additional \$21,825 or a total of \$75,800. This would make this account increase more than 10%, requiring Board approval.

Management recommends that the Subcommittee recommend to the Board that the General Manager be authorized to execute an agreement with the U.S. Geological Survey to conduct an Analysis and Assessment of Groundwater Quality and Groundwater Quantity Monitoring as proposed, in addition to the routine sampling of groundwater wells in the District, up to a maximum District expenditure of \$298,860 in Fiscal Years 2008-2011, and that Account #05-00-4485 be allowed to go over 110% of the budgeted amount on the FY 2008 Budget.

MEMORANDUM

TO: Programs, Projects and Operations Subcommittee

SUBJECT: Little Papio Channel Project – Former Union Pacific Railroad Bridge
G-18 Removal Project Bids

DATE: January 31, 2008

FROM: Martin P. Cleveland, Construction Engineer

On January 31, 2008, bids were opened for the referenced project, located near 64th and Spring Street in Omaha, NE. This location is near the southeast corner of Former Chili Greens Golf Course (see attached map). The bridge is owned by the District and is being removed to reduce flood impacts (causes a 2.5 ft. flood level back water effect) eliminate debris catching hazard of bridge piers and “attractive nuisance” liability of an abandoned bridge (see attached photos). City of Omaha Parks staff have been contacted about possible reuse as a trail bridge and they have indicated no interest or need for this bridge. Also, typically, due to lead paint concerns and difficulty moving the bridge, etc., it is usually less expensive to install a new pedestrian bridge than to restore an existing bridge.

The project consists of removing all substructures (pilings) and super structure (steel stringers, deck) from the site. Pilings will be removed to 2 feet below ground level and holes back filled with soil, as per Nebraska Department of Roads standards. All bridge components will become the property of the contractor.

A bid summary is attached for your consideration. The apparent low bidder is McC, L.L.C., with a bid of \$38,556.00.

This work will be funded via Project Maintenance General Contract work (Account 0103124479) and as of January 10, 2008, there is \$1,280,294.55 left in this account.

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 Former Union Pacific Railroad Bridge G-18 Removal Project with McC, L.L.C. for their total bid of \$38,556.00.

MEMORANDUM

TO: Programs, Projects and Operations Subcommittee

SUBJECT: Turtle Creek Watershed Structure #2 Rehabilitation Project
Professional Services Contract

DATE: February 5, 2008

FROM: Martin P. Cleveland, Construction Engineer

At the December 13, 2007 Board of Directors meeting, a Project Agreement with Natural Resources Conservation Service (NRCS) was approved. This structure is located near 156th Street and Pflug Road, southwest of Springfield, NE, (see enclosed map and structure photo). The agreement requires that federal funds be obligated (e.g. start construction) within 90 days. In addition, this agreement requires the District to acquire necessary land rights; federal, state and local permits and handle project bidding. The before-mentioned tasks, plus land rights cost, will apply towards the District's 35% share (\$282,692) of this project cost (\$807,692).

Management proposes to hire HDR Engineering to assist in preparing, submitting and supporting permit applications (Corps of Engineers 404 permit, Nebraska Department of Natural Resources water storage permit, Nebraska Department of Environmental Quality NPDES permit, and Sarpy County permits (erosion control, grading)). In addition HDR would prepare bidding documents.

HDR is well qualified to handle these tasks, having done the same tasks for Papio Creek Watershed Structures S-27, S-31 and S-32 Rehabilitation Project in 2006 and 2007. In addition, HDR prepared the preliminary design, planning and wetland evaluation for Turtle #2 for NRCS, so they are very familiar with the site. Attached is a proposed agreement with maximum not to exceed \$55,500.

This work will be funded via Project Maintenance Professional Services Account (No. 0103-12 4400) and as of January 10, 2008, there is \$54,193.00 left in this account. At the December 13, 2007 Board meeting expenditures for this account were authorized to exceed 110% of budgeted amount.

It is Management's recommendation that the Subcommittee recommend to the Board that the Professional Services Policy No. 15.2 be waived and that the General Manager be authorized to execute the proposed Turtle Creek Watershed Structure #2 engineering services agreement with HDR Engineering with a maximum not to exceed of \$55,500, 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: Tekamah-Mud Watershed Structure #4-1 Bank Stabilization Project Bids

DATE: January 31, 2008

FROM: Martin P. Cleveland, Construction Engineer

On January 10, 2008, bids were opened for the referenced project located west of Tekamah, NE (see attached map). The project consists of placing rock riprap along the front slope berm of the referenced grade stabilization structure (dam). It is estimated that it will require 690 tons of rock to stabilize the 540 ft. long eroding front slope berm. Erosion was caused by the pond's wave action on the berm. Attached are photos of the dam's berm.

A bid summary is attached for your consideration. The apparent low bidder is Glup Construction, with a bid of \$25,074.60. This work will be funded via Project Maintenance General Contract work (Account 0103124479) and as of January 10, 2008, there is \$1,280,294.55 left in this account.

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 Tekamah-Mud Watershed Structure 4-1 Bank Stabilization Project with Glup Construction for their total base bid of \$25,074.60.

Memorandum

To: Programs, Projects and Operations Subcommittee
Re: Contract with Dykon Explosive Demolition Corp. for Ice Jam Explosive Services
Date: February 8, 2008
From: Paul Woodward, Water Resources Engineer

Last month, the District Board authorized the General Manager to execute a contract with Dykon Explosive Demolition Corporation (Dykon) to perform explosives services in response to Ice Jams on the Platte River. Over the past month, District staff and legal counsel has worked diligently with Jim Redyke, President of Dykon, to negotiate a final contract. As you may recall, there were several unresolved details including: 1) insurance coverages for the contractor and subcontractors and 2) logistics getting everyone (contractor and subcontractors) and everything (equipment and materials) in place for a potential emergency situation.

During negotiations with Dykon, one particular issue has become a sticking point that staff feels should be reconsidered by the Board. This issue deals with indemnification and liability of the contractor beyond the limits of his insurance coverage. In this particular case, the contractor has excellent general liability insurance with a current total coverage of \$10 million. Therefore, the contractor is requesting that the District not require full indemnification under the contract, but that it limit the contractor's liability, even for negligent acts, to the limits of his insurance. District legal counsel has prepared the enclosed memo dated February 8, 2008 to address this matter.

In addition, other minor modifications have been made to the contract and are highlighted below:

- The contractor's annual retainer has been reduced from \$5,000 to \$2,000 and will cover the cost of his general liability insurance during years when no blasting is necessary.
- The District will be responsible for covering the cost of a pre-blast survey and monitoring as required under the contractor's insurance.
- The District will be responsible for reimbursing the contractor for additional premiums necessary to secure USH&L (Longshoreman's) Worker Compensation coverage as recommended by insurance consultant, Bill Johnson with Harry Koch Insurance Co.

In summary, District staff and management have reviewed the potential liability assumed by the District with limiting the contractor to the liability covered under his insurance policy and feel that it would be acceptable provided the minimum insurance coverage is raised to \$7 million instead of \$2 million. District staff, legal counsel, and Mr. Johnson have also spent a lot of time reviewing the issues with general liability and workers comp insurance and feel that the District should cover the necessary costs to include USH&L coverage as well as the pre-blast survey and monitoring. The result of these changes may mean more yearly costs under the Ice Jam Agreement, but should reduce the overall insurance premiums paid during an event.

It is management's recommendation that the subcommittee recommend to the Board of Directors that the General Manager be authorized to execute the revised proposed contract with Dykon Explosive Demolition Corporation, subject to changes deemed necessary by the General Manager and approval as to form by District legal counsel.