

**Finance, Expenditure & Legal
Subcommittee Meeting
February 9, 2010
7:00 p.m.
(Or immediately following the PPO meeting)
Agenda**

Finance, Expenditure & Legal Subcommittee Members:

Rich Tesar, Chairperson
Rick Kolowski, Vice-Chairperson
Larry Bradley
John Conley
Dorothy Lanphier

Alternate Members: Fred Conley
Jim Thompson

Staff Liaison: Jim Becic
Jerry Herbster
Carey Fry *
Brian Henkel
Lori Laster

1. Meeting Called to Order – Chairperson Tesar
2. Notification of Open Meetings Act Posting and Announcement of Meeting Procedure – Chairperson Tesar
3. Quorum Call
4. Adoption of Agenda
5. Proof of Publication of Meeting Notice
6. Review and Recommendation on Western Sarpy Clear Creek Flood Reduction Project –Marlin Petermann
 - a. Update on Platte River Ice Conditions
 - b. Update on Construction of Flood Fighting Measures
 - c. BNSF Railroad Company Easement Agreement
 - d. Beacon View Agreement Amendment and Easement
 - e. Project Sponsor Agreement
7. Review and Recommendation on Issuing Flood Control and Water Quality Enhancement Bonds – John Winkler, Richard Pederson, Baird-Holm; and Dan Smith, DA Davidson

8. Review and Recommendation to Authorize the Purchase of Surplus Property for the Purpose of Expanding Platte River Landing Recreation - *Confidential [Executive Session, if needed]* – John Winkler
9. Status Report on Papio Creek Watershed Structure W-3 Land Rights - *Confidential [Executive Session, if needed]* – Paul Peters
10. Adjourn

Agenda Item: 6.a.

MEMORANDUM

TO: Finance, Expenditure and Legal Subcommittee

SUBJECT: Platte River Ice Thickness Measurement Along Union Dike

DATE: February 3, 2010

FROM: Ron Lehman, O&M Superintendent

On February 3, 2010, the writer performed ice thickness measurements on the Platte River. The measurements were taken perpendicular to the river flow, near the Dike's 10 jetties project location, near Werner's Property south line, at approximately Station 160+00 (1.2 miles upstream of Highway 64).

A gas powered auger was used to drill the holes. The location of the holes on the table below were measured (stepped off) from the east bank of the Platte River. There was little snow cover on river ice.

Distance From East Bank (Feet)	Ice Thickness (Inches)	Depth From Top of Ice to River Bed (Inches)
36	16	38
136	16.5	73
286	17	52
436	17.5	37
586	15.5	45
786	18.5	28
936*	16	17

*This hole is located about 75 feet from the west bank of the river.

The average ice thickness is **16.7 inches**.

TO: Finance, Expenditure and Legal Subcommittee

SUBJECT: Platte River Ice Thickness Measurement Along Western Sarpy Levee

DATE: February 3, 2010

FROM: Ron Lehman, O&M Superintendent

On February 3, 2010, the writer performed ice thickness measurements on the Platte River. The measurements were taken perpendicular to the river flow, in the Beacon View Area, approximately 0.25 mile upstream of Highway 6.

A gas powered auger was used to drill the holes. The location of the hole on the table below was measured (stepped off) from the east bank of the Platte River. There was little snow cover on river ice.

Distance From East Bank (Feet)	Ice Thickness (Inches)	Depth From Top of Ice to River Bed (Inches)
36*	14	41

*This hole is located about 1050 feet from the west bank (Saunders County Side) of the river. There is a layer of soft ice (it was ponded water last week) on top of mature ice beyond this location, so no additional borings were attempted.

The average ice thickness is **14.0 inches**.

Agenda Item 6.b.

6. Review and Recommendation on Western Sarpy Clear Creek Flood Reduction Project –Marlin Petermann

b. Update on Construction of Flood Fighting Measures

Verbal report will be given at the FEL Subcommittee Meeting.
Map of the area posted under Agenda Item 6.b.

MEMORANDUM

TO: Finance, Expenditure and Legal Subcommittee

FROM: Martin P. Cleveland

SUBJECT: Western Sarpy Clear Creek Flood Reduction Project
BNSF Railway Company Easement

DATE: February 5, 2010

Enclosed is a copy of a proposed easement agreement with BNSF Railway Company to allow the District and US Army Corps of Engineers to construct the referenced levee project on BNSF Railway property, immediately north of Hwy. 6 and in the Beacon View area. The Western Sarpy Levee (east bank of Platte River) will tie into the BNSF Railway embankment.

- **It is Management's recommendation that the Subcommittee recommend to the Board of Directors that the General Manager be authorized to sign the proposed Western Sarpy Clear Creek Flood Reduction Easement Agreement with BNSF Railway Company, subject to changes deemed necessary by the General manager and approved as to form by District Legal Counsel.**

MEMORANDUM

TO: Finance, Expenditure and Legal Subcommittee

SUBJECT: Western Sarpy Clear Creek Flood Reduction Project
Beacon View Inc. Easement

DATE: February 3, 2010

FROM: Martin P. Cleveland

In 2002, the District executed a project cooperation agreement with Beacon View, Inc., (see attachment) to provide easements for the construction of the referenced project levee on their property. The levee project is completed within the Beacon View Inc. property, but is not tied into the BNSF Railroad embankment at the downstream end of the project as a result of BNSF Railroad resistance to granting an easement.

During the project construction it was noticed that the levee embankment impacted local drainage and the Corps of Engineers determined that a drainage structure is needed to convey ponded water to under the levee and to the Platte River. This installation requires an additional easement area as outlined in the attached Easement Agreement.

- **Management recommends the Subcommittee recommend to the Board that the General Manager be authorized to execute an easement and amendment to Project Cooperation Agreement for the Beacon View Inc. property subject to approval as to form by District Legal Counsel.**

MEMORANDUM

TO: Finance, Expenditure and Legal Subcommittee

SUBJECT: Western Sarpy Clear Creek Flood Reduction Project
Sponsor Memorandum of Agreement

DATE: January 25, 2010

FROM: Martin P. Cleveland, Construction Engineer

Enclosed is a proposed agreement between the project sponsors (Lower Platte North NRD, Lower Platte South NRD, Pappio-Missouri River NRD) and Clear Creek Drainage District, regarding the federal Western Sarpy Clear Creek Levee Project along the Platte and Elkhorn Rivers upstream of Hwy 6 (see Fact Sheet).

The purpose of this agreement is to document and clarify understandings and decisions concerning this flood control levee rehabilitation project being constructed by the US Army Corps of Engineers. The project hasn't changed from what the Board approved years ago, but there are some design and operational details that the Corps felt needed to be solidified before proceeding further on this project that is well under construction. Of particular note is this project is a 50-year flood design and the Corps and sponsors don't want to see a 100-year or higher FEMA approved levee pursued in the future. The primary area for this concern is the upper Clear Creek Levee on the Saunders County side of the river where the current levee is higher than the 50-year flood level in many places and is being allowed to remain as such. The agreement also addresses the fact that any future rebuilds or rehabs will all be to the 50-year level.

- **It is Management's recommendation that the Subcommittee recommend to the Board of Directors that the General Manager be authorized to sign the proposed Western Sarpy Clear Creek Flood Reduction Project Sponsor Memorandum of Agreement, subject to form as approved by District Legal Counsel.**

MEMORANDUM

TO: Financial, Expenditure and Legal Subcommittee

SUBJECT: Issuance of Flood Control and Water Quality Enhancement Bonds

DATE: February 3, 2010

FROM: John Winkler, General Manager

Nebraska Revised Statutes 2-3226.10-2-3226.14 authorizes a board of directors of natural resource districts, upon affirmative vote of two-thirds of its members, to issue flood control and water quality enhancement bonds.

The District is proposing to issue 13.3 million dollars in Flood Protection and Water Quality Enhancement Bonds to fund several proposed flood control projects and programs within the District's jurisdiction and per its mission statement of providing public safety through flood control and quality water to its citizens.

The projects identified for funding are listed in the attached bond resolution. These projects have been previously approved by the Board of Directors by majority votes of the Board.

Contrary to correspondence received by the District from Washington and Douglas County these two entities, by statute, are not obligated to approve or disapprove of any of the identified projects for this bond issue as these projects **do not** reside in either of these county's exclusive zoning jurisdiction. Although their input is appreciated it has no practical or legal effect on the issuing of this bond issue before the Board of Directors.

As outlined in the Board approved and adopted F.Y. 2009/2010 budget the identified projects are to be funded with a combination of revenue from the Special Reserve Fund and Bond proceeds.

The District is at the point in time where the Special Reserve Fund has been depleted and that the only revenue source left to fund these approved projects this fiscal year are the issuing of general obligation bonds.

If it is the intent of the Board of Directors to continue to fund these vital flood control and water quality enhancement projects then management makes the following recommendation.

- **Management recommends that the Subcommittee recommend to the Board of Directors that the Board approve the issuing of 13.3 million dollars in Flood Control and Water Quality Enhancement bonds subject to approval by District Legal Counsel and the General Manager.**

Agenda Item 8

Memo for the following agenda item is posted under “Confidential”

8. Review and Recommendation to Authorize the Purchase of Surplus Property for the Purpose of Expanding Platte River Landing Recreation - ***Confidential [Executive Session, if needed]*** – John Winkler

Agenda Item 9

- 9 Status Report on Papio Creek Watershed Structure W-3 Land Rights - *Confidential [Executive Session, if needed]* – Paul Peters

Report will be given at the FEL Meeting.