

**Programs, Projects & Operations  
Subcommittee Meeting  
July 12, 2011  
6:30 p.m.  
Agenda**

**Programs, Projects & Operations:**

John Conley, Chairman  
Fred Conley, Vice-Chairman  
David Klug  
Rich Tesar  
Jim Thompson

**Alternate Members:** Gus Erickson  
Tim Fowler

**Staff Liaison:** Gerry Bowen \*  
Martin Cleveland  
Amanda Grint  
Terry Schumacher  
Dick Sklenar

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 the Elkhorn River Research Station – Brian Henkel and Alan Kolok, Director of the University of Nebraska at Omaha – Aquatic Toxicology Laboratory
7. Review and Recommendation Cinnamon Acres Sediment Structure Repair Project Bids – Gerry Bowen and Bob McKee, Olmsted Perry Consulting
8. Review and Recommendation on Adoption of the District’s All Hazards Mitigation Plan – Lori Laster
9. Review and Recommendation on Addition to District Program Policy 17.43 – Public Agency Coordination Policy – Lori Laster and John Winkler
10. Review and Recommendation on the Mopac Trail Project – Select a Consultant for Construction Engineering Services – Gerry Bowen

11. Review and Recommendation of the Western Douglas County Trail Project – Professional Services Agreement for Environmental Services with approved Nebraska Department of Roads consultant – Gerry Bowen
12. Review and Recommendation of Papillion Creek Special Watershed Program – Director Japp
13. Adjourn

**Agenda Item: 6.**

# Memorandum

**To:** Programs, Projects and Operations Subcommittee  
**From:** Brian L. Henkel, Groundwater Management Engineer  
**Date:** July 12, 2011  
**Re:** Elkhorn River Research Station

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Dr. Alan Kolok, Director of the University of Nebraska at Omaha's (University) Aquatic Toxicology Laboratory requests funding for equipment for an environmental science laboratory on the Elkhorn River. The Elkhorn River Research Station (ERRS) is being constructed at the T. L. Davis Prairie on The University of Nebraska Foundation property on 240<sup>th</sup> Street, South of Q Street. The ERRS will serve as a three season laboratory for real time data collection and distance education.

The District previously entered into an agreement with the University for the construction of the ERRS (formerly the Davis Prairie Data Shack) in October of 2009. That previous agreement was for construction of the ERRS which is now mostly complete. This requested cost share would be used to install the necessary laboratory and communications equipment for the operation of the research station. Water quality research, like that of the ERRS, is an important component of the mission of the District and supporting this research will help to supplement the Districts ongoing water quality programs.

Staff recommends that the Programs, Projects and Operations Subcommittee recommend to the Board of Directors that the General Manager be authorized to amend the existing agreement with the University of Nebraska at Omaha to provide cost share of \$20,000 for equipment for the Elkhorn River Research Station subject budgeting and to approval as to form by District legal counsel.

Agenda Item: 7.

Memo to the Programs Projects and Operations Subcommittee

Subject: Cinnamon Acres Sediment Structure Outlet Repair

Date: June 29, 2011

By: Gerry Bowen

In 1995, the District, in cooperation with the Cinnamon Acres Subdivision, installed a wetland/sediment basin in one of the tributaries leading to Wehrsprann Lake. The District is responsible for operation and maintenance of the project. The spillway for the structure was fortified with riprap in 1997 and the project has been monitored annually with only minor repairs since that time.

Heavy rain storms caused considerable damage to the outlet structure and it was decided to install a sheet-pile structure to stabilize the outlet area. Plans were prepared by Olmsted Perry Consulting Engineers and bids solicited. The Engineer's estimate was \$28,518.

The District received one bid for the project from McC Construction of Omaha in the amount of \$72,490 (see attached summary and letter from Bob McKee).

Since the bid was nearly 2.5 times the engineers estimate, Management recommends that the bid be rejected and the project be reevaluated and rebid.

- **It is recommended that the Subcommittee recommend to the Board that all bids on the Cinnamon Acres Sediment Structure Outlet Repair Project be rejected and the project rebid.**

## Memorandum

**To:** Programs, Projects, and Operations Subcommittee  
**From:** Lori Ann Laster, Stormwater Management Engineer  
**Date:** July 5, 2011  
**Re:** Resolution to Adopt the District's Multi-Hazard Mitigation Plan

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The District first adopted a multi-hazard mitigation plan in 2006. FEMA requires that the plans be updated every 5 years. Over the past two years, District staff and Olsson Associates have been working to update the District's plan. In November 2010, the draft plan was presented to the Board of Directors and the public. The draft plan was submitted to FEMA in January 2011 and approved in February 2011. However, FEMA's approval is contingent upon adoption of the plan by the Board of Directors. In order to comply with FEMA requirements for this plan, it must be adopted prior to September 2011.

The plan that was submitted to and approved by FEMA can be found at the following website: [http://www.oaprojects.com/papionrd\\_hazard/](http://www.oaprojects.com/papionrd_hazard/).

Following is the resolution to adopt the Plan:

Whereas, a Multi-Hazard Mitigation Plan identifies the vulnerability of public bodies to natural hazards and the projects that can be implemented to reduce or eliminate vulnerability exposure; and

Whereas, the Federal Emergency Management Agency (FEMA) now requires that a public entity must have a current Multi-Hazard Mitigation Plan in order for the entity to be eligible for Federal funding from FEMA under several of its hazard mitigation grant programs and in order to receive post-disaster public assistance grants from FEMA; and

Whereas, the Papio-Missouri River Natural Resource District coordinated and developed its first All-Hazards Mitigation Plan in 2006; and

Whereas, the Papio-Missouri River Natural Resource District served as the coordinating agency for the development of a multi-jurisdictional Multi-Hazard Mitigation Plan to serve as the update to the 2006 All-Hazards Mitigation Plan for a six-county area including all of Sarpy, Douglas, Washington, and Dakota Counties as well as parts of Burt and Thurston Counties and all associated local governmental entities; and

Whereas, the planning process afforded the local units of government and its citizens the opportunity to comment and provide input in the plan and actions recommended in the plan; and

Whereas, FEMA regulations require documentation that the plan has been formally adopted by the governing body of the Papio-Missouri River Natural Resources District in the form of this resolution and further requesting approval of the plan at the Federal Level;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Papio-Missouri River Natural Resources District hereby approves and adopts the Papio-Missouri River Natural

Resources District Multi-Hazard Mitigation Plan in its entirety, in the form as proposed and presented to this meeting and reflected in the permanent files of the District, hereby resolves to execute the plan as proposed and hereby requests approval of the plan by the Federal Emergency Management Agency.

**Management recommends that the Subcommittee recommend to the Board that the resolution be adopted.**

Agenda Item: 9.

Memorandum

**To:** Programs, Projects, and Operations Subcommittee  
**From:** Lori Ann Laster, Stormwater Management Engineer  
**Date:** July 5, 2011 Updated: July 11, 2011  
**Re:** Draft 17.43 Public Agency Coordination Policy

Many District projects are primarily designed for flood events or to improve water quality over a long period of time. The District has worked with other local agencies and communities to design these projects to provide multiple benefits for the citizens of the District. Currently, the District has no formal policy stating that projects should be developed in coordination with other agencies or members of the communities.

**17.43 District Programs – Public Agency Coordination Policy.** The benefits provided by District projects and programs include but not limited to, trail corridors, parks, recreation, and habitat restoration as well as flood mitigation and water quality improvement. All projects and programs undertaken by the District shall conform to the following Public Agency Coordination Policy:

- A. The District will continue to work with communities to manage development in potentially hazardous areas to minimize future flood risk.
- B. The District shall work with communities to manage the impact of future development on water quality in the District's lakes and streams.
- C. The District shall work with the local jurisdiction and surrounding jurisdictions in the planning of new flood control and/or water quality projects. The Community Master Plan of the local jurisdiction shall be incorporated into the planning of the District's project.
- D. When feasible, the District shall include amenities in flood control projects for public access including, but not limited to, trail corridors, park areas, water-based recreation, and/or wildlife habitat.
- E. The District shall continue to maintain and operate the Papillion Creek Watershed Flood Warning System in order to provide data to local entities for decision making purposes and to educate the public regarding flood risk within the watershed.

**Management recommends that the Subcommittee recommend to the Board that District Policy 17.43 Public Agency Coordination Policy be adopted.**

Agenda Item: 10.

Memo to the Programs Projects and Operations Subcommittee

Subject: Mopac Trail (Hwy. 50 to Lied Bridge) Project

Date: July 8, 2011

By: Gerry Bowen

The Mopac Trail (Hwy 50 to Lied Bridge) is another project where construction has been delayed due to procedural issues to make the project plans acceptable to NDOR and FHWA. The plans are being revised for the final time (we hope) and understand that NDOR will bid the project this fall, probably in October. NDOR requires that the District have a construction engineering (CE) consultant hired prior to bidding of the project.

Although we have not received "official" word from NDOR, all indications are that the project will receive a full 80% cost share. The current cost estimate is \$2.7 million. The cost share amount would be \$2.16 million, plus a proportionate share of the CE costs. The current cost share ceiling on the project is \$500,000, with no CE services eligible.

As you may remember, NDOR and FHWA have prohibited use of the design consultant (in this case, Ehrhart Griffin & Associates) for CE services on the project unless a new request for proposals (RFP) is used and the design firm is the successful candidate. The NDOR requires that a structured selection process be followed in making this selection. A qualifications-based selection (QBS) process must be used. The District's current policy is a QBS process.

In the selection process, NDOR requires the following steps:

1. Prepare a draft RFP that meets NDOR guidelines, and approved by NDOR before advertising.
2. Advertise for proposals for at least three weeks in a newspaper of general circulation, such that all potential consultants on NDOR's approved list have an opportunity to submit. A mailing to prospective consultants is acceptable, in addition to advertising.
3. District then reviews the proposals (using evaluation forms approved by NDOR) and prepares a "short-list" of candidates for interviews. The short list and evaluation forms must be sent to NDOR for approval prior to notifying the short-listed candidates. NDOR requires that at least a three-person panel conduct the evaluation.
4. Interviews must be conducted in person, or by telephone, and evaluation forms (previously approved by NDOR) completed documenting the final selection. The final selection is sent to NDOR for approval.
5. At this point, the District and consultant jointly prepare a detailed scope of services and work matrix. NDOR approval is needed before proceeding with negotiations.
6. The District must prepare an independent cost estimate (ICE) and submit to NDOR for approval. NDOR may assist with the development of the estimate.



7. The consultant prepares a cost proposal and submits to the District. This is then compared to the ICE and forms the basis for negotiated the final estimate. A pre-negotiation memo must be prepared and approved by NDOR before actual negotiations can proceed.
8. District and consultant negotiate the final scope of services and cost estimate, and document the negotiations. A post negotiation memo is prepared and must be approved by NDOR.
9. NDOR then requests an obligation from FHWA, prepares the consultant agreement, and submits entire package to FHWA for approval.

NDOR has attempted to streamline the above process by pre-selecting consultants for CE, basically accomplishing Steps 1-4 above. The upside is a shorter time frame in selecting the CE firm. However, our consultant (EGA) is not one of the pre-selected firms. Therefore, a different consultant would have to be used for CE on the project if we followed this abbreviated procedure.

Management believes that a cost savings may be realized by utilizing EGA for CE services. Therefore, it is worth the effort to follow the RFP procedures in the Local Projects Manual as outlined above. EGA is on NDOR's approved consultant list for federal transportation projects and eligible to be considered for CE on these projects.

Current District "Policy #15.2 Purchasing – Professional Services" calls for an ad hoc subcommittee of the Board, plus appropriate staff, to select a consultant. The process normally takes 3-4 months. When adding the additional reviews and approvals from NDOR, the process may take 4-5 months to accomplish, especially since a subcommittee meeting may be necessary between each step. It is believed that the selection process can be shortened significantly if staff is allowed to perform steps 1-8 above with final concurrence by the Board. It is proposed that the General Manager, the Assistant General Manager, and the writer review the proposals, select the firms for interviews, conduct the interviews, and select the final candidate.

By allowing staff to "select" the consultant, it believed that a CE consultant would be hired to meet the bidding schedule of NDOR.

- **It is recommended that the Subcommittee recommend to the Board that Management be authorized to select a consultant for construction engineering services on the Mopac Trail (Highway 50 to Lied Bridge) Project, negotiate a scope of services and fee proposal, and bring to the Board for approval.**

Agenda Item: 11.

Memo to the Programs Projects and Operations Subcommittee

Subject: Western Douglas County Trail Project

Date: July 8, 2011

By: Gerry Bowen

The Western Douglas County Trail Project has been on hold for quite some time. For reference, Phase 1 connects Valley and the YMCA, and Phase 2 connects Valley and Waterloo. The NDOR has determined that the project needs to be treated the same as a new project and follow the revised guidelines in the Local Projects Manual. The first step is to submit a request for a determination of the level of environmental evaluation that is necessary to satisfy the NEPA requirements: a Categorical Exclusion, Environmental Assessment, or an Environmental Impact Statement, in increasing order of complexity. We are hoping for a Categorical Exclusion on the project. This initial determination has been completed and approved by NDOR and FHWA (see attached).

NDOR has also determined that due to complexity of the NEPA process, the selected consultant must meet certain standards, or levels of competency in the NEPA process. The District's consultant on the project, Ehrhart Griffin and Associates, is not on the approved list. Therefore, the District must select a different consultant for these services. To expedite the process, NDOR issued a Request for Proposals (RFP) for environmental services, and selected six potential consultants for this type of work. The six firms, in no particular order are:

CH2MHill  
Felsburg Holt and Ullevig  
HDR Engineering  
Olsson Associates  
Parsons Brinkerhoff, Inc.  
TranSystems

The District could prepare a separate RFP and select a consultant following the procedure set forth in the District's Policy Manual, a process that usually requires approximately three months to complete. This process may take longer since NDOR and FHWA approvals are required at several steps along the way. In the interest of getting this project moving forward, District staff has reviewed the qualifications statements for each of these firms and rated them (see attached) for this project.

Management has selected the following three firms (in order of preference): Felsburg, Holt, & Ullevig, HDR Engineering, and Olsson Associates to be submitted to NDOR for approval, and recommending approval of any of the six firms in the event that NDOR does not select one of our prioritized companies.

- **It is recommended that the Subcommittee recommend to the Board that the General Manager be authorized to negotiate a Professional Services Agreement for Environmental Services on the Western Douglas County Projects (Phases 1 and 2) with a consultant approved by the Nebraska Department of Roads, and bring the agreement to the Board for approval.**

Agenda Item: 12.

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**From:** Scott Japp <sjapp@huntel.net>  
**Sent:** Monday, June 27, 2011 7:42 AM  
**To:** Winkler, John <jwinkler@papiionrd.org>  
**Subject:** john

John

Put on the board's agenda for a vote, a special project area in the entire Papio Creek watershed, which the people that I represent will support. Since the PMNRD claims this area as the highest flood damage reduction area the board should support this project area. These control structures will also improve the water quality by filtering out the E coil that is present in our streams in the upper reaches of the Papio system. By not building large dams this does not provide a holding area for PCB and mercury that are present in the NRD's present lakes and lower stream. Using the pay rate of \$12,500 (HDR figures) per acre drained for a volunteer development projects that are design to control a 100 year rain event for 24 hours. These projects can be dams and detention control structures that meet the needs to control the possible threat to the Metro Omaha area. The pay rate of \$12,500 per acre will be paid to the contractor or developer within the PCWP member's area and within areas that are not member of the partnership the payment will be 33.33% less since they are not paying partnership fees. The contractor or developer will in return acquire the necessary **engineering, land easements and construct the projects**. A concern the NRD staff has is the maintenance of these projects. This can be accomplished by the land owner signing a 50 year maintenance agreement with a contractor. The contractor will do an annual inspections and repairs to meet the required design and send the NRD a report. The pay rate to the contractor for per acre for the maintenance of these projects should be 66.66% of the NRD's annual cost per acre for maintenance. HDR estimates engineering fees of 50%, thus \$12,500 of development cost per acre and \$6200 for HDR engineering fees leave a total cost of \$18,700 per acre drained. As you can see we can reduce the cost of flood control by approximately 40%. Also the huge cost saving to the entire district for not building recreational projects. This cost saving is as high as the development cost of \$12,500 per acre or more.

The decision the board need to make is how fast the board want to take to develop the upper reaches of the Papio drainage system. I suggest this should be a 40 year program and we start with funding \$5 million in next year's budget. Increase the funding annually to reach our target goal. Since Washington County alone represents more than 50% of the entire Papio drainage system we should fund the entire system equally. I know I can sign up enough land owners annually to spend all of the entire budgeted funds.

Scott Japp

**WASHINGTON COUNTY  
BOARD OF SUPERVISORS**

Courthouse - 1555 Colfax Street  
PO Box 466, Blair, Nebraska 68008  
Phone 402-426-6822

**Duane Wilcox**  
Chairman

**Jeff Quist**  
Vice Chairman

February 10, 2009

Papillion Creek Watershed Partnership  
c/o Natural Resources Center  
Attention: John Winkler  
8901 So 154<sup>th</sup> Street  
Omaha, Nebraska 68138

Dear Mr. Winkler,

At the regular meeting of the Washington County Board of Supervisors held Tuesday, February 10, 2009, the Board went on record to request any reference to Washington County in the Papillion-Creek Watershed Partnership Management Plan be removed, specifically, in reference to fees collected in "Rural Estates".

Washington County currently has their own Stormwater Management Policies in place for controlling stormwater runoff. Fees in regards to Washington County Stormwater Policies are 100% developer funded.

Sincerely,



Duane Wilcox, Chairperson  
Washington County Board of Supervisors

# Memo

**To:** John Winkler, Marlin Petermann  
**From:** Lori Laster and Amanda Grint  
**Date:** 7/11/2011  
**Re:** Proposal from Director Japp on Papillion Creek Watershed Program

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Flood control in the upper portion of the Papillion Creek Watershed continues to be an issue to be addressed. Current plans for the jurisdictions not in the PCWP involve development detaining more than the 100 year peak flows (90% of peak flow by their adopted stormwater policies) at no cost to the jurisdiction. The issue is that this takes time and is only applied to new development as it occurs and leaves the watershed vulnerable for an undetermined amount of time. At some point in the future the TMDL for E. Coli must also be addressed throughout the watershed and must also be controlled in the upper reaches of the watershed.

Setting up a special watershed program to help with flood control and water quality is a good idea. However since the PCWP has already adopted a watershed management plan, one that addresses water quantity and water quality, it should not be revisited by the jurisdictions which are members. Those communities chose water quality LID and regional detention for their area in lieu of Director Japp's proposed plan. That plan should not be revisited for creation of a new District program. This program would need to be available only to those entities not members of PCWP.

If bond funds are to be used for this program there are a few issues. One, LB160 requires that we provide public access to any permanent pool over 20 acres in size. The proposed program specifically stated that recreation would not be provided as part of this program. Two, LB160 prohibits the District from using bond funds in communities without and approved watershed/stormwater management plan. The District would need to work with those communities not currently in the PCWP to develop a plan that would be acceptable to both the District and that community.

Inspection and maintenance of these structures as presented is a common system for communities to utilize however, depending on the amount of water that would be stored these structures could be classified as significant or high hazard dams. The safety risk to the public for not maintaining these structures is too great to leave up to individuals. There is no mechanism presented in the proposal to handle a situation where inspections were not completed and situations where repairs were too costly for the individual landowner to undertake. The District would likely want or need to be involved in the maintenance.

The program as presented would require the District to contract with developers/contractors to complete the structures on private property with no access to the public. Although the public would benefit from the flood control and water quality, the public perception would most likely be that we are helping individuals add value to their properties without providing benefit to the public.

The costs presented by Director Japp were likely taken from reports that are several years old. These reports would not have taken into account the new Nebraska Stream Function

Assessment that is now being utilized by USACE. The costs for permitting these types of structures have increased and would need to be factored in to any cost share amount.

The last correspondence from the Washington County Board of Supervisors was in 2009 requesting that any mention of Washington County be removed from the PCWP's watershed management plan. In that letter, the Board specifically stated that all costs for future water quality/quantity project will be 100% developer paid.

In conclusion, the District should not adopt any new programs without working closely with the governing bodies of the communities that would be included in the program. Additional consideration should be given to the costs and funding sources of such a program along with the flood control and water quality benefits before the District Board votes on a special watershed project for the Papillion Creek Watershed.