

**Programs, Projects & Operations  
Subcommittee Meeting  
May 10, 2005  
8:00 p.m.  
Agenda**

**Programs, Projects & Operations:**

John Conley, Chairman  
Rich Tesar, Vice-Chairman  
Fred Conley  
Rick Kolowski  
Joe Neary

**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. Quorum Call
3. Adoption of Agenda
4. Proof of Publication of Meeting Notice
5. Review and Recommendation for Equestrian Use of Existing Mo-Pac Trail from Springfield South to Louisville – Gerry Bowen
6. Review and Recommendation on Interlocal Agreement with the City of Papillion on Operation and Maintenance of Walnut Creek Recreation Area – Dan Hoins, Papillion City Administer, and Steve Oltmans
7. Review and Recommendation on Development Agreement for Shadow Lake Flood and Sediment Control Projects – Nancy Pridal, Lamp-Rynearson Associates and Paul Woodward
8. Review and Recommendation on Letter of Agreement with Corps of Engineers for District Flood Hazard Mitigation Plan – Paul Woodward
9. Review and Recommendation on Equipment Purchases/Replacements for FY 2006 – Jean Tait
10. Discussion of Directors Lanphier’s Request that Staff Provide Two Alternatives to Compensate for Not Using Competitive Bidding on Cost Share Projects, pursuant to Proposed Policy 15.9 – Purchasing – Cost Shared Project – Marlin Petermann
11. Other Items of Interest
12. Adjourn

# Memo

To: Programs, Projects, and Operations Subcommittees

Subject: MoPac Trail – Equestrian Usage of the Trail

Date: May 3, 2005

From: Gerry Bowen

At the April 14, 2005 Board meeting, staff was asked to prepare a cost estimate for adapting the Mopac Trail between Springfield and the Platte River for equestrian usage (see attachment).

The conversion is estimated to cost approximately \$66,000. This includes selective clearing on an additional 1.4 miles of the right-of-way (12 feet wide), replacing the two bridge decks with planks, adding railing to direct users onto the bridges, installing drainage structures to facilitate equestrian usage, and fencing the east side of the right-of-way north of Buffalo Road (Springfield Creek forms a natural barrier on the west side).

Several factors were considered and are listed as follows.

1. The separate equestrian trail would be located on the east side of the District's trail corridor. Springfield Creek forms a natural barrier on the west side north of Buffalo Road.
2. In six locations, additional drainage work is needed to create a better transition between the District's trail corridor and adjacent properties.
3. The Sarpy County Fair Board has voted to not allow use of the fairgrounds as a staging area for equestrian use. A trail head would be needed at the Springfield end (north) of the trail.
4. The District's parking lot will have limited use as a trailhead for equestrian use due the reluctance of horses to cross under Highway 50 on the existing trail, and the dangers of crossing Highway 50 at-grade.
5. Both the Springfield and Buffalo Creek channels are too steep to allow a creek crossing. Erosion of the creek bank may adversely affect the bridge stability at these locations.
6. It is proposed that the trail utilize the same surface through the Ash Grove property. Additional right-of-way would be necessary, some wetlands would have to be filled and mitigated if a separate surface were to be created.

Staff recommends that the District provide 50% cost sharing for the adaptation of the Mopac Trail for equestrian usage. The equestrian community will be asked to raise the other funds privately. Also, it is recommended that a Citizens' Equestrian Advisory Committee be formed to raise the private funds necessary for the adaptation of the Mopac for equestrian uses, and for advising the District on other equestrian issues. It is recommended that the committee be no larger than five members.

**Management recommends that the Subcommittee recommend to the Board that the District provide 50% cost share on the adaptation of the Mopac Trail corridor for equestrian usage on a separate trail from pedestrian/bicycle trail users, subject to the availability of a equestrian trailhead at the north end of the trail (Springfield), and that a Citizens Equestrian Advisory Committee be formed to assist with fundraising and the adaptation of the trail.**

5/2/2005				
Mopac Trail Equestrian Usage Cost Estimate				
Item	Units	\$/unit	Amount	Estimated cost
Clearing & Grubbing	acres	\$6,250.00	1.4	\$ 8,750.00
Drainage Structures	number	\$5,000.00	6	\$ 30,000.00
Bridge Resurfacing (replace with planks)	number	\$2,500.00	2	\$ 5,000.00
Bridge approach railing	feet	\$20.00	120	\$ 2,400.00
Fencing	feet	\$1.50	7700	\$ 11,550.00
Seeding	acres	\$1,000.00	1.8	\$ 1,800.00
Signage	lump sum	\$1,000.00	1	\$ 1,000.00
Sub Total				\$ 60,500.00
Contingency (10%)				\$ 6,050.00
Total				\$ 66,550.00

# Memo

To: Programs, Projects, and Operations Subcommittee

Subject: Interlocal Agreement with the City of Papillion for Operation and Maintenance of the Walnut Creek Lake and Recreation Area (Dam Site 21)

Date: 05-04-05

From: Randy Lee, Walnut Creek Park Superintendent

The Pappio-Missouri River Natural Resources District (NRD) has operated and maintained the Walnut Creek Lake and Recreation Area (Recreation Area) since its opening in March of 1999. At that time an interlocal agreement (attached) was entered into between the NRD and the City of Papillion (City) that defined the responsibilities of both parties for the Recreation Area and the West Branch Levee project that was constructed through the City. The City was responsible for up to 25% (\$500,000 max.) of the NRDs project costs for the Papillion levee, while the NRD, with assistance from the state, funded the land acquisition, design, and construction of the Flood Control Dam and Recreation Area at Walnut Creek. With this agreement the city knowingly would eventually assume responsibility for the Recreation Area after substantial development had occurred within the watershed and the City grew around the park. The total capital investment in the Recreation Area to date is near \$8 million, with operating costs averaging approximately \$200,000 annually.

The proposed interlocal agreement consummates the transfer of the Recreation Area from the NRD to the City. Major provisions of the agreement are as follows:

- Transfer of land ownership and O&M responsibilities to occur October 1, 2007
- NRD will continue to operate and maintain the Walnut Creek flood control dam and retain easements for the flood pool upstream of the dam, at its own cost and expense
- City will assume operation and maintenance of the Recreation Area and all recreation facilities, at its own cost and expense

In summary, the proposed agreement provides for the transfer of the ownership, operation and maintenance of the Walnut Creek Lake and Recreation Area, except for the flood control dam, from the NRD to the City of Papillion on October 1, 2007.

**Management recommends that the subcommittee recommend to the Board that the General Manager be authorized to execute the proposed Interlocal Cooperation Act Agreement for Operation and Maintenance of Walnut Creek Lake and Recreation Area (Dam Site 21) with the City of Papillion, subject to approval by the Nebraska Natural Resources Commission and also subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.**

## Memorandum

**To:** Programs, Projects, and Operations Subcommittee  
**From:** Paul Woodward, Water Resources Engineer  
**Date:** May 4, 2005  
**Re:** Development Agreement for Shadow Lake Flood and Sediment Control Projects

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In the enclosed Development Agreement with the City of Papillion, 370 L.L.C., SID 267, Shadow Lake Development L.L.C., and SID 264, the District would agree to cost-share with developers for the design and construction of a flood detention structure (Shadow Lake) and a grade control structure (Midland Lake) on Midland and South Midland Creek just South of Highway 370 between 72<sup>nd</sup> and 84<sup>th</sup> Street southeast of Papillion. An attached map describes the project layout as well as the proposed developments.

The District has had a long term interest in a watershed project on this property. Although not identified as one of the 21 flood control reservoir sites by the Corps, it was targeted as the location for one of the grade control/sediment structures (S-30) under the USDA's Papio PL 566 Watershed Plan. Under that plan, the USDA-NRCS will provide 100% of the construction costs, if the District provides the right-of-way. The District is helping secure the USDA funding, and thus resulted in providing in the proposed agreement that the NRD fund 100% of that structure (Midland Lake Dam). The cost-share provisions in the agreement for constructing the flood control reservoir (Shadow Lake Dam) were patterned after the District's Small Dams Program, where the landowner provides the land rights and 25 % of the costs of construction.

The Shadow Lake Dam will control runoff from nearly 1,500 acres (2.3 sq. mi.) of land presently transitioning to residential subdivisions. It will provide 480 acre-feet of flood storage (to the crest of the auxiliary spillway-100 yr.) and protect the immediately downstream proposed Papillion Promenade mall, NE Hwy 370, existing residential and commercial development and other property in the Papio basin. It will also help in solving channel maintenance problems being experienced along this West Branch Papio tributary, in particular at its mouth where District flood control levees and channel improvements are located.

Below is a summary of the provisions of this agreement and the responsibilities of the District:

- Shadow Lake Development will hire an engineer to prepare preliminary plans and specifications for both structures.
- The District would retain HDR Engineering for quality control and assurance of the plans and specifications, construction contract, and construction observation.
- All preliminary and final plans and specifications would be subject to review by the City of Papillion, HDR and the NRD subsequent to final approval by the NRD and the City.
- Shadow Lake Development or SID 264 would bid a construction contract, upon approval by the NRD, for both projects. The District would retain the right to review bids received prior to the developer or SID awarding the contract.

- ❑ Both 370 L.L.C. and Shadow Lake Development will grant the District permanent easements to pond water and sediment behind both Shadow Lake and Midland Lake Dam as well as the right to operate and maintain each dam. All necessary land right will be provided by the developer at no cost to the District.
- ❑ The SIDs and eventually the City will be responsible for maintaining the actual lakes and recreation areas.
- ❑ The maximum NRD contribution is \$3,357,278 which is 75% of the estimate cost of Shadow Lake and 100% of the estimated cost for Midland Lake. The District will be responsible for 1/3 of the actual expended costs in FY 06 and 2/3 of the actual expended costs in FY 07. Any remaining funds required will be paid in FY 08. 370 L.L.C. or SID 267 (Papillion Promenade) will provide the other 25% of the needed cost-share to construct Shadow Lake.

In conclusion, the District would provide 75% of the costs to design construct Shadow Lake and 100% of the cost to design and construct Midland Lake for a maximum total of \$3,357,278. All land rights would be provided by the developers and they/SIDs would also maintain the lake and recreation areas in the future. The District would operate and maintain both dams.

Expense Item	Cost in Millions			Total
	Shadow Lake SID 264	Promenade SID 267	P-MRNRD	
Right of Way	3.378			3.378
Construction & Engineering		1.367	3.357 *	4.724

\* Anticipated that \$1.166 Federal USDA funding will be obtained for Midlands Lake Dam (formerly USDA PL 566 Site S-30), leaving \$2.191 million for the NRD to fund.

**Management recommends that the Subcommittee recommend to the Board that the General Manager be authorized to execute the proposed Development Agreement with the City of Papillion, 370 L.L.C., SID 267, Shadow Lake Development L.L.C., and SID 264 for the Shadow Lake Flood and Sediment Control Projects, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Council, and take such other and further actions as necessary to effectuate such agreement.**

# Memorandum

**To:** PPO Subcommittee

**Re:** P-MRNRD Regional Multi-Hazards Mitigation Plan—Professional Services Agreement with USACE and Planning Grant from NEMA

**From:** Paul Woodward, Water Resources Engineer

**Date:** May 5, 2005

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The District has worked with the Nebraska Emergency Management Agency (NEMA), U.S. Army Corps of Engineers (USACE), and the Nebraska Department of Natural Resources (DNR) to secure a grant and retain the services necessary to develop a Regional Multi-Hazards Mitigation Plan for the entire District. This type of plan would benefit the District and other emergency management agencies not only by providing a list of potential hazard mitigation alternatives, but also by increasing the potential of federal mitigation funding assistance for projects such as the Floodway Purchase Program. The Sub-Grant Award Agreement, in the amount of \$155,000, would be provided by NEMA and is enclosed for your review and consideration.

The District has consulted with the USACE Floodplain Management Branch and they have agreed to conduct the flood hazard mitigation study and compile the completed Multi-Hazard report. This study would involve analyzing existing flood hazards and in some cases producing an inventory of structures in hazardous areas. The Corps will complete the plan by May 31, 2006. A letter agreement with the USACE estimates a total cost \$212,084 for these services as outlined in their scope of work. This total less the amount of the grant will leave the District with a cost-share of about 25%, or \$57,084. The USACE agreement and scope are attached for your review and consideration.

The DNR has agreed to provide USACE with the remaining sections of the plan relating to other natural hazards as well as assisting the District and USACE in holding public meetings throughout the NRD to gather input. Procedural Guidance for the planning process in NRDs was prepared by DNR and is attached for your information. DNR's services would not require an agreement or additional funding.

In summary, the USACE and DNR will prepare a Regional Multi-Hazards Mitigation Plan for the entire District by May 31, 2006 at a total cost of \$212,084. The District has secured a grant in the amount of \$155,000, but would be responsible for remaining \$57,084.

**Management recommends that the Subcommittee recommend to the Board that the General Manager be authorized to execute a \$155,000 Sub-Grant Award Agreement with NEMA and a lump sum \$212,084 Professional Services Agreement with the U.S. Army Corps of Engineers for preparation of a Regional Multi-Hazards Mitigation Plan for the entire District, both subject to changes deemed necessary by the General Manager and approval as to form by District legal counsel.**

# MEMORANDUM

TO: Programs, Projects and Operations Subcommittee

SUBJECT: Equipment Replacement/Purchase Request for FY 2005

DATE: April 14, 2005

FROM: Jean Friends Tait, Purchasing Agent

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Attached is a chart of equipment items identified for purchase/replacement in FY 2006. Again this year, the process to identify and prioritize equipment items most needed by the District was determined by a staff Equipment Committee comprised of Jerry Herbster, Martin Cleveland, Bill Warren, Trent Heiser and me. Each section within the NRD identified their equipment requirements and the equipment committee reviewed each item and made recommendations to the General Manager for purchase. The GM then reviewed the Committee's recommendations and made further changes/cuts to the chart. The chart reflects the General Manager's final recommendations.

The FY 2005 equipment budget was \$295,405. The FY 2006 equipment budget request is \$377,685. State statute allows for a maximum 2.5% increase in restricted funds (to include general operational costs, i.e. salaries, equipment, insurance, etc., does not include project expenditures, i.e. construction, land rights, etc.). The Board can approve an additional 1% increase for a total of 3.5% increase in restricted funds, if required.

**Staff recommends approval of the FY 2006 Equipment Requirements subject to FY 2006 Budget.**



# MEMO

**TO:** Papio-Missouri River NRD Board of Directors

**SUBJECT:** Proposed addition to Policy Manual, 15.9 Purchasing-“Cost- Shared” Projects

**FROM:** Marlin J. Petermann, Assistant General Manager

**DATE:** May 2, 2005

At the April 14, 2005 Board Meeting, Director Lanphier distributed the attached memorandum requesting the staff to present two alternatives that would benefit the public and make up for not using competitive bidding on “cost-shared” projects as proposed in Policy 15.9. Below are some alternatives that have been used by the District to protect the taxpaying public’s interest when ‘cost-sharing’ with developers and other cooperators.

1. **Unit Cost Averaging**—This method has been used for many years for “cost-sharing” millions of dollars with private landowners on rural conservation practices and projects. Historical records of what various contractors have charged in recent years for construction of these conservation practices are used to establish average costs. The NRCS gathers this unit cost (e.g. Per cubic yard or per acre) information on a county-wide basis. The District then pays a certain percentage of the county average cost to the landowner as a “cost-share” for hiring a contractor to construct the practice(s) or project.
2. **Engineer’s Estimate**—Historical records of contractor charges for various project components are compiled for recent years and used to form the basis for the Engineer’s Cost Estimate for a project. Unit cost data, much like that used for “cost-sharing” on rural conservation work, is collected by the project engineer. In the case where competitive bids are taken, this estimate is normally used as the basis for accepting or rejecting contractor bids. This method of capping public expenditures or providing the most benefit to the public was utilized in the District’s public/private partnerships for Zorinsky Sediment Structure #3/Whitehawk and Papio Dam Site 13/Elk Ridge-DIAL projects, as well as the Shadow Lake Development project being proposed at the May meetings.
3. **Non-Public Competitive Bidding**—Just because the District may not be “cost-sharing” with a governmental entity, does not mean that competitive bidding is not occurring. In fact, it may be more vigorous. Developers and other cooperators are just as interested in getting the project built as cheap as possible, as anyone, because it keeps their “cost-share” down. In the

public/private partnerships noted above, the District's project was included as part of the overall subdivision grading and was competitively bid (privately) so that an economy of scale was realized as well. In the private sector, the developers negotiate back and forth with bidders to insure they have achieved the best product for the least price. It should be noted that this is where a good, quality set of plans and specifications are important, so that a sound project is built and cost is not the only consideration.

These are some of the primary ways the District has protected the taxpayer's interests and provided benefits to the public when "cost-sharing" on projects with developers and other cooperators. A combination or slight variation of these, such as sharing a portion of the savings below the Engineer's Estimate as an incentive for the developer/cooperator to seek the lowest contract price, can also be beneficial.

One final note of benefits to the public that have resulted from the District's "cost-shared" projects with private cooperators/developers should be made. Walnut Creek Lake and Recreation Area was built totally with public funds. The adjacent landowners and developers have reaped tremendous monetary benefits from the public project, but provided no funds toward it. The District's public/private partnerships have brought in the private sector to help "cost-share" on building these public projects. Also, the private developers are able to purchase the necessary land rights on a willing-seller basis, much easier than a public entity.