

**Programs, Projects & Operations  
Subcommittee Meeting  
November 6, 2007  
6:40 p.m.  
(Immediately following the PLPA Meeting)  
Agenda**

**Programs, Projects & Operations:**

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

<b>Alternate Members:</b>	Dorothy Lanphier Jim Thompson	Staff Liaison:	Gerry Bowen Martin Cleveland Ralph Puls Dick Sklenar * Paul Woodward
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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 Lower Platte River Coalition Interlocal Agreement – Gerry Bowen and Marlin Petermann
7. Review and Recommendation on Papio Creek Watershed Structure S-31 Bids – Martin Cleveland and John Cambridge, HDR Engineering
8. Review and Recommendation on Bids – Jean Tait
  - a. Two – New, 2008, Compact/Mid-Size, Extended Cab, 4-Wheel Drive, Pickup Trucks
  - b. One – New, 2008, Mid-Size, 4-Wheel Drive Sport Utility Vehicle or 2008, Mid-Size, 4-Wheel Drive Sport Utility Vehicle Hybrid
  - c. One – New, 2008, John Deere 5425, Agricultural Tractor
  - d. One – New, 2008, Side Dump Trailer
9. Adjourn

## Memorandum

To: Programs, Projects and Operations Subcommittee

Subject: Lower Platte River Coalition

Date: November 1, 2007

From: Gerry Bowen

LB 962 (2005 Legislature) requires the Nebraska Department of Natural Resources (NDNR) to evaluate the water appropriations in the various river basins in the state each year. NDNR follows a procedure that results in a designation of “not fully appropriated”, “fully appropriated”, or “over appropriated.” In fully or over appropriated basins, NRD’s are required to develop an integrated management plan for both ground and surface water usage.

For 2007, NDNR has issued a preliminary determination that the Lower Platte River is not fully appropriated (see attached notice). The area covered in this determination includes the Elkhorn and Loup River basins in the state (see map). The Nebraska Game and Parks Commission sent a letter challenging that determination since, in their opinion, allowing further water appropriations on the Lower Platte River will jeopardize the existence of the least tern, piping plover, and the pallid sturgeon (see attached letter). In further support of their position, NGPC has issued a draft Biological Opinion (BO) on the Lower Platte River that concentrates on the three species listed above (see attached summary) and the required flows in the river for these species.

As you may recall, the District joined in the Pallid Sturgeon Task Force which conducted a series of studies through the University of Nebraska-Lincoln (UN-L), on the lower Platte River to determine the habitat needs of the pallid sturgeon. The final report was a prime reference that NGPC used in developing the BO.

The NGPC, however, conducted additional studies through UN-L outside the Task Force purview concerning channel morphology and connectedness which resulted in their determination of flows needed for endangered species. The NGPC wanted to include this data and conclusions in the Task Force Final Report. The other Task Force members objected to this inclusion based on the fact that the Task Force scope did not include this additional work, and because they and other peer reviewers challenged the scientific basis that NGPC used in making the flow recommendations.

The BO includes this additional information and makes flow recommendations that they want NDNR to consider in making the determination of status of appropriations on the lower Platte River.

Further, if NDNR changes its preliminary determination based on NGPC’s position, a de facto instream flow right would be granted on the lower Platte River for endangered species. This would circumvent the legal process to obtain such an instream flow.

The District has been asked to join a coalition of other NRDs, cities, and power and irrigation districts (and potentially other partners) to:

- a. Study and research both the technical and legal foundation for the NGPC request,
- b. Make formal comments on the technical soundness of the NGPC data,
- c. Legally challenge, if necessary, any decisions or actions by NDNR, and
- d. Coordinate positive political action as may be needed.

The attached interlocal agreement is the proposed document to accomplish these purposes. The District's financial obligation under this agreement would be \$4,000.

- **It is recommended that the Subcommittee recommend to the Board that the General Manager be authorized to execute the proposed Lower Platte River Coalition Interlocal Agreement, subject to minor changes deemed necessary by the General Manager and accepted as to form by District Legal Counsel.**

# MEMORANDUM

**TO:** Programs, Projects and Operations Subcommittee

**SUBJECT:** Papillion Creek Watershed Structure S-31  
Rehabilitation Project Bids

**DATE:** October 29, 2007

**FROM:** Martin P. Cleveland

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Attached is a location map for the referenced earthen dam rehabilitation project. This project will upgrade a 1970's vintage dam to high hazard classification to reflect development (houses and roads), that are located downstream of the dam.

The bid summary for the rehabilitation project is as follows:

	<b>TOTAL BASE BID FOR S-31</b>
<b>CONSULTANT'S OPINION OF COST</b>	\$394,758.00
<b>THOMPSON CONSTRUCTION, INC.</b>	\$445,583.00

See attached detailed bid summary for individual items.

One bid was received and the apparent low bidder is Thompson Construction, Inc., with a total base bid of \$445,583.00. The Consultant's Opinion of Probable Construction Cost by HDR Engineering is \$394,758.00. Thompson Construction, Inc., was awarded the construction contract for the rehabilitation of two nearby dams (S-27 and S-32) on August 2007 and is presently working on Dam Site S-27.

This work will be funded via funds included in (account 03 12 4479). The proposed Fiscal Year 2008 budget includes \$1,674,000 in this account. The Natural Resources Conservation Service will reimburse the District for approximately 65% of the total project costs (right of way and construction).

**It is Management's recommendation that the Subcommittee recommend to the Board of Directors that the General Manager be authorized to execute a contract with Thompson Construction, Inc., for a total base bid of \$445,583.00 for construction the Papiro Creek Watershed Structure S-31 Rehabilitation Project.**

## MEMORANDUM

TO: Programs, Projects and Operations Subcommittee

SUBJ: Purchase of 2008 District Vehicles, Agricultural Tractor, and Side-Dump Trailer

DATE: October 31, 2007

FROM: Jean Friends Tait, Purchasing Agent

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In conjunction of the approval of the FY 2008 budget, request for bids for the purchase of the following items was received and opened on October 30, 2007 at 2:00 p.m. in the District Office. The bid summary sheets are attached for your review. The staff recommendation is as follows:

Two – 2008, Compact/Mid-Size Extended Cab, 4WD, Pickup Trucks (Bid Item A): The staff recommends that the low and best bid of \$34,318 from Anderson Ford be accepted with trade-in of the District's 2000 Chevrolet S-10, 4WD, Pickup Truck, serial #1GCDT19W0Y8195018.

One – 2008, Mid-Size, 4WD, Sport Utility Vehicle (Bid Item B): The staff leaves it to the Subcommittee to recommend one of the following low and best bids of \$16,971 from Anderson Ford for a gasoline engine (13 mpg/city or 19 mpg/highway), sport utility vehicle **OR** low and best bid of \$20,263 from Anderson Ford for a hybrid engine (29 mpg/city or 27 mpg/highway), sport utility vehicle with trade-in of the District's 2003, Ford Explorer, 4WD, Sport Utility Vehicle, serial # 1FMZU72K83ZA23444.

One – 2008, John Deere, 5425, Agricultural Tractor (Bid Item C): The staff recommends that the low and best bid of \$35,998 from A&M Green Power be accepted.

One – 2008 Side-Dump Trailer (Bid Item D): The staff recommends that the low and best bid of \$35,298.88 from Smith Co. Side Dump Trailers be accepted

The 2008 vehicles and heavy equipment comes to an expensed total of \$122,585.88 or \$125,877.88 depending on the Subcommittee's decision of item B. The budgeted amount for these items is \$140,000. ***The staff's recommendation is to accept the low and best bids for items A, B, C, and D and respectfully requests the Subcommittee determine the purchase of either a gasoline or hybrid engine SUV.***