

**Programs, Projects & Operations  
Subcommittee Meeting  
October 11, 2011  
7:00 p.m.  
(Or immediately following the Executive Subcommittee Meeting)  
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 Elkhorn River 240<sup>th</sup> Street Bank Stabilization Project – Gerry Bowen, Mike Sotak and Sarah Mechtenberg, Tetra Tech
  - a. Amendment to Professional Services Contract with Tetra Tech for design and construction of Interim Measures
  - b. Amendment to Interlocal Agreement with Sarpy County for 240<sup>th</sup> Street Erosion Protection to provide for design and construction of Interim Measures
7. Update on Elkhorn River Bank Stabilization IPA Repair Work – Gerry Bowen, Mike Sotak and Sarah Mechtenberg, Tetra Tech
8. Review and Recommendation of Professional Services Contract with JEO Consulting For Design of Elkhorn River Bank Stabilization near Waterloo Levee – Amanda Grint and Lalit Jha, JEO

9. Review and Recommendation on FY 2012 Long Range Implementation Plan – Gerry Bowen
10. Review and Recommendation on Missouri River Floodway Purchase Program in Sarpy County  
– Lori Laster
11. Review and Recommendation on Missouri River Floodway Purchase Program in Washington  
County – Director Scott Japp
12. Adjourn

Agenda Item: 6.A-B.

Memo to the Programs, Projects and Operations Subcommittee

Subject: 240<sup>th</sup> Street (Sarpy County) Elkhorn River

Date: October 7, 2011

From: Gerry Bowen

In February, 2011, the Board approved a professional services agreement with Tetra Tech, Inc. to design a project to address the bank erosion along the Elkhorn River in Sarpy County that threatens 240<sup>th</sup> Street located near the Graham, Gilmore, and Kelsey properties (see attached map). Since 240<sup>th</sup> Street was the public infrastructure to be protected, an agreement with Sarpy County was executed by the two parties calling for the County to equally share the costs of preliminary engineering on the project.

NRCS determined that the project is eligible for assistance under the Emergency Watershed Protection Program (EWP). However, no funds have been made available from that source.

Tetra Tech's evaluation of the river at this location has indicated that the most desirable, long term solution (see attached) would involve either a heavily armored streambank, or a channel change to protect 240<sup>th</sup> Street. Either of these solutions would entail a lengthy permitting process with the Corps of Engineers, more than likely a year or more.

Since a timely solution to the problem is desirable, i.e., having the protection in place before next winter/spring flow conditions, Tetra Tech has proposed an interim measure that involves riprap protection along the river bank as a temporary measure (see attached). This solution would involve nationwide permits to accomplish, and greatly shorten the permitting process. The estimated cost of the interim measures would be approximately \$400,000. Sarpy County staff has been consulted and will recommend that Sarpy County cost share equally with the District. A draft amendment to the existing agreement is being prepared by legal counsel, and will be available at the subcommittee meeting. The FY 2012 Budget includes funds for this work.

It is anticipated that the interim project would be bid in November, with a construction contract presented to the Board at the December meeting for consideration. Construction would commence in January and take approximately four weeks to complete.

Proceeding with the interim measures will also involve a change of scope to the original professional services agreement with Tetra Tech to allow for final design, bidding and construction observation services for the interim measures. The original agreement with Tetra Tech for this project had a "not-to-exceed" amount of \$136,852. To date, \$110,852 has been utilized, leaving a balance of \$26,000. Tetra Tech estimates that the services necessary to complete the interim measures will require \$38,271. Therefore, they are requesting an increase in the "not-to exceed" amount of \$13,000, making a new contract amount of \$149,852.

It is anticipated that a the long term project which provides a more permanent solution will continue to be investigated, and that a revised proposal from Tetra Tech, and an additional agreement with Sarpy County will be brought to the Board in January.

- **It is recommended that the Subcommittee recommend to the Board that the District proceed with construction of the interim measures on the 240<sup>th</sup> Street Project on the Elkhorn River, that the District execute an Interlocal Agreement with Sarpy County to equally share the costs of engineering and construction of these interim measures, and that the professional services contract with Tetra Tech be amended to increase the "not-to-exceed" amount from \$136,852 to \$149,852, subject to approval by Sarpy County, minor changes deemed necessary by the General Manager, and approved as to form by District Legal Counsel.**

Agenda Item: 7.

Update on Elkhorn River Bank Stabilization IPA Repair Work - No memorandum.

Agenda Item: 8.

## Memorandum

**To:** PPO Subcommittee  
**From:** Amanda Grint, Water Resources Engineer  
**Date:** October 6, 2011  
**Re:** Waterloo Levee Erosion Issue Professional Services Contract

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In June 2008, the Board of Directors approved the first cost share with the Village of Waterloo to study, design and construct improvements to their levee in order to accredit the levee and comply with all FEMA and USACE regulations. This work was completed on September 6, 2011 and the accreditation package has been submitted to FEMA for approval. During this time, the Village of Waterloo has been monitoring a location near the levee and JC Robinson Boulevard where erosion along the bank of the Elkhorn River is coming close to the toe of the levee. See attached map for location. District staff has been aware of this location and attempted last year with the Emergency Watershed Program through NRCS to help the Village obtain funding to stabilize the area.

The NRCS visited the site in June 2010 and determined that the project was ineligible for EWP funding because the slope, although sloughed, was fairly stable. The ice out season of last year impacted this eroded area and caused further erosion and approximately 2 to 3 feet of the bank sloughed off into the river. This occurrence put the levee in jeopardy as the eroded bank of the Elkhorn is now within 15 feet of the toe of the levee. The Village contacted the District and has asked for assistance to stabilize the bank to protect the newly constructed levee. The Village requests a cost share of 50/50 on a professional services contract with JEO Consulting (attached) to design a concept and develop plans for the stabilization of the bank. The contract amount is an hourly not to exceed fee of \$45,190 and the District share would be \$22,595. The District has requested that if this proposed contract is approved that Tetra Tech provide an independent review of the concept and design documents. The Village and the District would cost share 50/50 on this review and although the amount of the review is unknown, it is anticipated that it would be under \$20,000 and the maximum contribution by the District would be \$10,000. This review is requested because Tetra Tech has extensive knowledge of the Elkhorn River and has been a part of many Elkhorn River stabilization projects in the past.

The USACE was contacted to review the threat to the levee and determine if funding assistance could be provided through one of their programs. The response letter is attached showing that it was not eligible. Although the NRCS has already visited the site and determined that it was not eligible, District staff will work with the Village and NRCS to revisit the project since additional erosion has occurred. However, EWP funding for this year has not been allocated to the NRCS and may not be. Any funding source that is identified will reduce the Districts cost share as the District will cost share only on the local portion of the project.

At such time as a concept has been chosen and reviewed, the project would be presented to the Board for further action.

**Management recommends that the Subcommittee recommend to the Board of Directors that the General Manager be authorized to execute a revised Interlocal Agreement with the Village of Waterloo for additional costs up to \$32,595 for the design costs of bank stabilization to protect the Waterloo levee subject to changes deemed necessary by the General Manager and District Legal Counsel.**

Agenda Item: 9.

Memo to the Programs, Projects and Operations Subcommittee

Subject: Fiscal Year 2012 Long Range Implementation Plan

Date: September 23, 2011

From: Gerry Bowen

State statutes (see below) require NRDs to prepare and submit a “Long Range Implementation Plan” (LRIP) each year. A current LRIP needs to be on file with the state to make the District eligible for certain state cost share programs.

**“2-3277 - Districts; long-range implementation plans; prepare and adopt; contents; review; filing; department; develop guidelines.** Each district shall also prepare and adopt a long-range implementation plan which shall summarize planned district activities and include projections of financial, personnel, and land rights needs of the district for at least the next five years and specific needs assessment upon which the current budget is based. Such long-range implementation plan shall be reviewed and updated annually. A copy of the long-range implementation plan and all revisions and updates thereto as adopted shall be filed with the department, the Governor’s Policy Research Office, and the Game and Parks Commission on or before October 1 of each year. The department shall develop and make available to the districts suggested guidelines regarding the general content of such long-range implementation plans.

**Source:** Laws 1978, LB 783, §3; Laws 1979, LB 412, §3; Laws 2000, LB 900 §61. Operative date July 1, 2000.”

The draft LRIP (attached) is intended to summarize the current year’s budgeted revenues (Table 6) and expenditures (Table 3) in terms of the various programs and projects and the intended accomplishments during the fiscal year. It also projects the financial and personnel needs for these projects and programs for the next five fiscal years.

- **Management recommends that the Subcommittee recommend to the Board that the Fiscal Year 2012 Long Range Implementation Plan be approved.**

## Memorandum

**To:** Projects, Programs, and Operations Subcommittee  
**From:** Lori Ann Laster, Stormwater Management Engineer  
**Date:** October 6, 2011  
**Re:** Missouri River Floodway Purchase Program

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The District's Missouri River Floodway Purchase Program involves the Elbow Bend, Holub's Place, and Iske Place communities located in the floodway of the Missouri River just south of Bellevue in Sarpy County. The Program began in April of 1994 when the Federal Emergency Management Agency (FEMA) approved the application to purchase properties in these three areas. The District administered the program and equally divided the local cost-share with Sarpy County.

The District and Sarpy County have been able to acquire approximately 105 out of 164 possible structures in the Missouri River floodway. Since the District and Sarpy County acquired the 105 properties, the City of Bellevue has expanded its jurisdictional boundaries. Bellevue's extraterritorial jurisdiction now includes Elbow Bend and Iske Place.

In light of the 2011 flooding on the Missouri River, there has been renewed interest in the Floodway Purchase Program. There are approximately 50 properties affected by the flooding that may be eligible for the Floodway Purchase Program.

District staff has met with representatives from Sarpy County and the City of Bellevue, as well as representatives from the Federal Emergency Management Agency (FEMA), the Nebraska Emergency Management Agency (NEMA), and the Nebraska Department of Natural Resources (NDNR) to discuss the Floodway Purchase Program.

At this time, Hazard Mitigation Grant Program (HMGP) funds are available from FEMA for buyout projects. The HMGP would provide 75% of the funds required for purchase of the land and structures, as well as demolition costs.

The original Interlocal Agreement with Sarpy County stipulated that Sarpy County and the District would evenly split any local costs for these buyouts. The agreement has been modified to include the City of Bellevue as they now have zoning jurisdiction in the affected area.

For the remaining 50 properties in Elbow Bend and Iske Place, the District, Sarpy County and the City of Bellevue will work together to apply for HMGP funds for the purposes of acquisition and demolition of structures. The District will act as the applicant for the purposes of the grant application and will coordinate the necessary actions to complete purchase and demolition. It is proposed that a consultant be hired to prepare the application because of the detail of the application and the timeframe. The District recommends that Olsson Associates be hired to prepare the application because of the experience they have with the Hazard Mitigation Plan and with other applications for the District. This will be an under \$20,000 contract and therefore could

be executed by District Management. Each entity will pay one-third of the local share (approximately 8 percent of the total project cost). The City of Bellevue and Sarpy County will reimburse the District for funds expended during the project.

The Floodway Purchase Program is a voluntary program based on a willing seller and willing buyer basis. Eminent Domain cannot be exercised under this program. At this time, there are 50 properties eligible for buyout. If all 50 sellers accept a buyout, the total project cost would be approximately \$3 million. Federal funds would cover \$2.25 million, leaving \$750,000 as the local share. Each entity would be responsible for \$250,000.

**It is Management's recommendation that the General Manager be authorized to fully execute for and on behalf of the District an Interlocal Agreement with the City of Bellevue and Sarpy County which provides that the District sponsor and apply for FEMA Hazard Mitigation Grant Program funding for floodway buyouts of all properties in the Elbow Bend and Iske Place areas of Sarpy County and that the District, Sarpy County and the City of Bellevue equally share the non-federal costs of those acquisitions, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.**

Agenda Item: 11.

John

Since the river is lower people are getting into their houses.  
I am getting numerous calls for assistance in buying out homes that were in the flood damage area.

Put on the upcoming agenda for a vote by the board member in the **Public affair committee** and also provide staff recommendation.

Providing a buyout for people that lost their homes is providing a great needed public assistance to family that may have lost everything. Having a plan for these families before they spend funds on rebuilding would be a great assistance to them. The situation regarding leased lots can be accomplished with a similar RV park that the NRD allowed for Rich Jansen on the Platte River.

Scott Japp

# Memorandum

**To:** Projects, Programs, and Operations Subcommittee  
**From:** Amanda Grint, Water Resources Engineer  
**Date:** October 7, 2011  
**Re:** Missouri River Floodway Purchase Program – Washington County

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The District has historically administered the Floodway Purchase Program with equal cost share between the District and the jurisdiction involved with a buy out.

In light of the 2011 flooding on the Missouri River, there has been renewed interest in the Floodway Purchase Program. There are approximately 188 households in Washington County that have applied for Federal Emergency Management (FEMA) disaster aid and may be eligible for the Floodway Purchase Program.

District staff was contacted by the Region 5/6 Emergency Manager to set up a meeting with the Nebraska Emergency Management Agency, FEMA, Department of Natural Resources, County representatives and the District to discuss the potential for federal grants and buy out programs.

At this time, Hazard Mitigation Grant Program (HMGP) funds are available from FEMA for buyout projects. The HMGP would provide 75% of the funds required for purchase of the land and structures, as well as demolition costs. The deadline for submittals this year is mid December and so it is imperative that if the residents and the County would like to pursue federal funds for the upcoming FY12, the application would need to begin as soon as possible.

The District would act as the applicant for the purposes of the grant application if the County chooses and will coordinate the necessary actions to complete purchase and demolition. It is proposed that a consultant be hired to prepare the application because of the detail of the application and the timeframe however, that contract would be expected to be under \$20,000 and management could execute. It is proposed that the County and the District equally share the local cost up to a maximum District contribution of \$250,000.

The Floodway Purchase Program is a voluntary program based on a willing seller and willing buyer basis. Eminent Domain cannot be exercised under this program.

**It is Management's recommendation that the General Manager be authorized to fully execute for and on behalf of the District an Interlocal Agreement with Washington County which provides that the District sponsor and apply for FEMA Hazard Mitigation Grant Program funding for eligible floodway buyouts in the County and that the District and Washington County equally share the non-federal costs of those acquisitions up to a District maximum contribution of \$250,000, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.**