



## LOWER PLATTE SOUTH natural resources district

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### MEMORANDUM

Date: October 11, 2024

To: Lower Platte South Natural Resources District Board of Directors

From: Will Inselman, Resources Coordinator *WI*

Subject: Minutes for Recreation, Forestry & Wildlife Subcommittee Meeting

On Thursday, October 10<sup>th</sup>, 2024, at 5:30 p.m., the Recreation, Forestry, and Wildlife subcommittee met in the NRD Large Conference Room. Subcommittee members present: Christine Lamberty- Chair, Lisa Lewis, John Yoakum, Seth Hawkins, Don Jacobson, and Ray Stevens. Other attendees were Mike Sousek, Eric Zach, and Will Inselman. There were five items on the agenda for consideration.

The first item on the agenda was the consideration of an Agricultural Conservation Easement Program (ACEP) application with NRCS for a conservation easement on the McDermott property. LPSNRD staff were recently contacted by Steve McDermott and Kerry Kubert, who own property in the Denton area, to inquire about putting their property into a conservation easement. They would like to apply for funding through the NRCS Agricultural Conservation Easement Program (ACEP), similar to what LPSNRD recently used to purchase the conservation easement on the Next to Nine Mile Prairie property a month ago. They live on and own approximately 40 acres, one half mile south of Conestoga Lake. The property consists of a mix of brome grass hay field and a wooded creek drainage with scattered brome and trees. The family has owned the property for two years and wants to preserve the property for wildlife habitat and has plans to restore the grass to native prairie. The threat of development potential in the area has caused concern for the family and they would like to ensure that the property stays natural and protected into the future. The family is requesting consideration to submit the application to NRCS. There would be no commitment of funds at this time and if successful, the subcommittee/Board would need to approve accepting the funding to proceed with the acquisition. The family was also present and answered questions about the property and the neighboring properties and the potential to protect those properties in the future.

**It was moved by Jacobson, seconded by Yoakum, and approved to recommend the Lower Platte South NRD Board of Directors authorize the General Manager to sign and submit an application to NRCS for cost-share assistance to pursue a conservation easement on the McDermott property through the Agriculture Conservation Easement Program.**

**Motion Passed: 5-0 (Lewis abstained)**

The second item on the agenda was the consideration of the guidelines and rules for the new Recreational Trail Assistance Program. The District has supported trails and cost-shared for trail facility construction in the past as part of the Community Assistance Program (CAP). In 2023 however, the CAP was modified to focus on stream stability, streambank stabilization, flood control, stormwater quality, etc. The District would like to continue to provide funding assistance for trail projects by creating a new program with its own policy. The Recreational Trails Assistance Program (RTAP) would provide up to \$25,000 in cost-share to support cities, villages, homeowners associations, and counties as they build and develop trails and trail facilities within their communities. The policy document for the RTAP is attached and includes eligibility for the program, match requirements, application and approval process, and reimbursement process. This is a new program and the approved budget for this fiscal year is \$25,000.

A motion was made by Stevens, seconded by Lewis to recommend the Lower Platte South NRD Board of Directors approve the guidelines and rules for the Recreational Trails Assistance Program.

A motion was then made by Hawkins to amend the original motion to strike the wording of the second sentence under Eligible Projects to read “Projects shall be located on lands open for public use”. That motion was seconded by Stevens. The amendment carried unanimously (6-0).

Another motion was then made by Hawkins and seconded by Yoakum, to add language to the rules that would reduce the cost-share rate for homeowners associations and provide additional language to guarantee public access/use. After a lengthy discussion from the subcommittee members regarding the changes addressing concerns with homeowners associations, a motion was made by Yoakum to table this item to December to allow staff to work on language that would create more consensus among Directors. That motion was seconded by Hawkins. The motion to table failed (2-voting YES, 4-voting NO). After further discussion, a motion was made by Lamberty, seconded by Hawkins, to table this item to November and provide staff with guidance from the subcommittee to rework the program rules and guidelines. That motion passed 4-2 (Stevens and Lewis voting NO). Chair Lamberty will be gathering input from the subcommittee to provide to staff to rework the programs rules and guidelines. The item will be brought back to subcommittee in November for review.

The third item on the agenda was the consideration of an interlocal agreement for obtaining seedling trees and shrubs with the Nebraska Association of Resources Districts (NARD). The NARD has requested the renewal of an interlocal agreement between LPSNRD and the NARD to procure trees and shrubs from the US Forest Service. This agreement has been in place for over twenty years and is the mechanism we use to purchase the trees and shrubs for our conservation tree seedling program. The NARD has a separate agreement with the US Forest Service to provide the seedlings to the NRDs. This agreement will be renewed for another three years, expiring September 30th, 2027.

It was moved by Yoakum, seconded by Stevens, and unanimously approved to recommend the Lower Platte South NRD Board of Directors authorize the General Manager to sign the interlocal agreement with the Nebraska Association of Resources Districts for the procurement of trees and shrubs for our Conservation Forestry Program.

**Motion Passed: 6-0**

The fourth item on the agenda was the consideration of bids to repair timber bridges on the MoPac and Homestead Trails. In 2019 LPSNRD contracted with Olsson, Inc. to perform bridge assessments on the Homestead and MoPac East trails. Three bridges were identified as needing repairs: Homestead #11, MoPac

Bridge 298th St. West #2, and MoPac Bridge 310th South #2. Those projects were then put on hold due to bank stabilization issues on the trails near these locations. The bank stabilization projects were completed this year and now work can continue with the bridge repair projects. The work needed includes repairing rotted and damaged wood on bents, pile, and caps on all three bridges. Sway bracing will be repaired and replaced as well. Two bridges will also have sheet pile installed behind the existing backwall of the bridge abutments. To minimize impact on trail users, the project is scheduled for fall/winter 2024-25, ending no later than May 1st, 2025. Olsson conducted the bid letting and received bids from four contractors. The low bid was received from JMN Construction of Valley, Nebraska. Olsson recommends awarding the low bid to JMN Construction at a total project cost of \$389,356.80. After a discussion with JMN Construction, Olsson has determined them to be a responsive and responsible bidder.

Company Name	Bid Amount
JMN Construction	\$389,356.80
Theisen Construction	\$783,053.45
K2 Construction	\$945,098.00
M.E. Collins Contracting	\$1,079,262.00

**It was moved by Lewis, seconded by Stevens, and unanimously approved to recommend the Lower Platte South NRD Board of Directors approve the low bid of \$389,356.80 submitted by JMN Construction for the MoPac and Homestead Trail Bridge Repair Projects.**

**Motion Passed: 6-0**

The fifth item on the agenda was the consideration of a construction services agreement with Olsson for construction oversight on the MoPac and Homestead Trail bridge timber repair projects. The District entered into an agreement with Olsson on July 31, 2020, for Professional Services to assess timber bridge structural deficiencies identified on the Homestead and MoPac East trails. The three bridges identified as needing repairs are Homestead #11, MoPac Bridge 298th St. West #2, and MoPac Bridge 310th South #2. LPSNRD has received bids for the repair project and intends to begin work fall/winter of 2024-25. To ensure the bridge repairs are conducted in the manner specified in the bid specifications, LPSNRD would like to enter into a Construction Services Agreement with Olsson to oversee the project. Olsson has submitted Amendment #2 to the original agreement to include Construction Services. Staff answered questions about Olsson's ability to carry out these duties and Directors noted that there are concerns about past performance from Olsson. Staff indicated they are working with a new program manager and to this point have had good communication. Staff will be sure to work closely with Olsson throughout the project.

**It was moved by Lewis, seconded by Yoakum, and unanimously approved to recommend the Lower Platte South NRD Board of Directors authorize the General Manager to sign a construction services agreement with Olsson in the amount of \$76,230.00 for the MoPac and Homestead Trail Bridge Repair Projects.**

Last on the agenda were staff updates. Reports/updates: Staff reported on a meeting that was held with the NRCS Chief Terry Cosby and other administration from DC. They visited the Next To Nine Mile LLC conservation easement that the District just closed on in cooperation with NRCS.

Staff also provided an update on an item that was taken up at the last subcommittee but was not voted on at the September Board meeting due to an error on the agenda. The item will be added to the October Board agenda. Staff suggested that the subcommittee refer to the September meeting minutes for the past motion. That item was a permanent easement for SID #12 of Cass County and the Village of Eagle for a water main under

the MoPac Trail. The permanent easement would be for the use, construction, repair, maintenance, replacement, and renewal of a water main. The water main would be installed at least 60 inches below ground level. The existence of the water main would not have any impact on trail use. After the construction of the project by SID No. 12, the Village of Eagle will be the owner/operator of the water main. Staff do not have any concerns about the permanent easement. The NRD has granted multiple utility easements in the past along the MoPac Trail corridor. It was noted that the Village of Eagle owns the parcel on the north side of the proposed easement where their water tower is situated.

Meeting adjourned at 6:44 p.m.

PC: RF&W subcommittee file