



## LOWER PLATTE SOUTH natural resources district

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### Memorandum

**Date:** July 18, 2017  
**To:** Board Directors  
**From:** Ed Ubben, Projects Coordinator *EU*  
**Subject:** Urban Subcommittee Minutes

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The Urban Subcommittee met on July 17, 2017 at the District office at 5:30 pm. Present at the subcommittee meeting was Mike DeKalb (Chair), Karen Amen, Richard Bolte, Deborah Eagan, Bruce Johnson, Jeremie Kerkman, Dan Steinkruger and Ron Svoboda. Others in attendance were Chair - Ray Stevens and Director Greg Osborn. Staff present was; Paul Zillig, Kyle Hauschild, David Potter, Devin Biesecker, and Ed Ubben. Also present was Dan Fricke, JEO Consulting.

**a. Consideration to approve a Professional Services Agreement with JEO Consulting for additional services to prepare the Salt Creek Levee System-Wide Improvement Framework..**

**Amendment to Agreement (SWIF Phase 2) – Amendment No. 2.** --- Biesecker stated this amendment covers three items in the already approved SWIF contract to clean up the current contract amounts.

1. Photogrammetric Survey which has already been completed – This is an overage due to including additional features in the survey.
2. Operation and Maintenance Manual Update - Extra work that was completed by JEO on tracking of USACE Section 408 permits. JEO also developed templates for the Section 408 submittals to the NRD.
3. Emergency Preparedness Plan – We held a large workshop on a levee failure scenario. Attendees included the following and others, Lincoln Police Department, Lincoln Fire and Rescue, Lancaster County Emergency Management, Corps of Engineers, Lancaster County, City of Lincoln Public Works and NRD staff. JEO prepared an After Action Report for this workshop which was not anticipated in the beginning. (See July 15<sup>th</sup> Memo for JEO's proposals)

**It was moved by Johnson, seconded by Bolte, and unanimously approved by the subcommittee to recommend the Board of Directors approve the engineering services agreement, Amendment #2 of the SWIF with JEO Consulting for a fee not to exceed \$9,870.00, subject to legal counsel review.**

**b. Consideration to approve a Professional Services Agreement with JEO Consulting for Salt Creek Levee SWIF Implementation Task Order 2 --- Beal Slough Tie-back. -**

The tieback levee downstream of the Beal Slough confluence was removed due to development several years ago. The Corps of Engineers is telling the NRD that we must restore the tieback levee or prove that it is no longer needed. In the meantime the owner of the lot where the tieback levee used to reside has recently threatened legal action due to lack of use. Given all of this we will be asking JEO to study the area of the old tieback levee and come up with a solution that will meet the Corps of Engineers requirements. Our goal would be to prove that the tieback is no longer needed and to do this we would need the following from JEO. Tasks include; Field Survey Data, Historic review of topographic data, Hydraulic evaluations of the site and a report to give the Corps of Engineers.

**It was moved by Eagan, seconded by Steinkruger, and unanimously approved by the subcommittee to recommend the Board of Directors approve the engineering services agreement, Task Order #2 with JEO Consulting for a fee not to exceed \$32,930, subject to legal counsel review.**

**c. Consideration to approve a Professional Services Agreement with JEO Consulting for Salt Creek Levee SWIF Implementation Task Order 3 — Project Management.** With the SWIF document approved by the Corps of Engineers we now are moving into the implementation phase of the SWIF. The NRD will handle much of the implementation internally or by hiring consultants to work on larger projects. However, along with the implementation there are several ongoing requirements for the SWIF. They are; reporting, stakeholder coordination and ongoing updating the O & M Manual. With JEO's expertise in the SWIF process we are asking them for help in working through these processes up to a point where the SWIF will need to be updated on a biannual basis.

**It was moved by Svoboda, seconded by Bolte, and unanimously approved by the subcommittee to recommend the Board of Directors approve the engineering services agreement, Task Order #2 with JEO Consulting for a fee not to exceed \$31,980.00, subject to legal counsel review.**

**d. Addition for FY'19 application of Water Sustainability Funds for the Deadmans Run Section 205 Project (UPDATE)** – Zillig stated that Staff would like to add an item to the LRIP (FY'19) for the Deadmans Run Section 205 Project to apply for a Water Sustainable Fund Grant. He stated that with the high cost of the project any additional extra funding would put less stress on the District's finances.--- It was unanimously approved with general consensus by the subcommittee.

**e. Consideration of entering into a contract on the 2016 Oak Creek Weir Repair --- 1<sup>st</sup> Street** - At last month's Board of Directors meeting the Board accepted the low bid for the project from Upper Missouri River Corp. Since the meeting, our consultant, JEO has been at work getting all the paper work together. It consists of getting the contract signed by contractor and owner (NRD) and having the Bonding and Insurance in place. We learned at the pre-bid meeting that Upper Missouri Corp. was partnering with a local contractor, Big River Construction out of Nebraska City. When the required insurance

certificate came back to JEO it showed that Big River Construction was listed on the certificate not Upper Missouri Corp. as required. Big River Construction was notified of the issue and is attempting to get the issue rectified.

It was moved by Steinkruger, seconded by Johnson, to recommend the Board of Directors that unless Upper Missouri River Corp delivers the required certificate of insurance for the Oak Creek Weir Repair – 1<sup>st</sup> Street Project on or before Friday, July 21, 2017, recommend that the Board annul the award to the low bidder, the Upper Missouri River Corp, because it is in default by failing to deliver the required certificate of insurance as required by Article 6 paragraph 6.02 of Contract Documents, establishing that the Contractor has obtained and is maintaining the policies, coverages, and endorsements required by the Contract.

The motion failed on a 4-4 vote.

**Another motion was brought forward by Kerkman and seconded by Amen to recommend to the Board of Directors to annul the award to the low bidder the Upper Missouri River Corp, because it is in default by failing to deliver the required certificate of insurance as required by Article 6 paragraph 6.02 of Contract Documents, establishing that the Contractor has obtained and is maintaining the policies, coverages, and endorsements required by the Contract subject to legal counsel review.**

That motion passed on a seven-yes votes and one no vote, (Steinkruger).

**f. Consideration of 2016 Oak Creek Weir Repair --- 1<sup>st</sup> Street project bids –**

This final item on the agenda relates to the previous item. If the low bidder cannot supply the required insurance certificate, the District will award the contract to the second low bidder. The second low bidder was High Plains Enterprises of Martell, Nebraska with a total Base Bid of \$89,258.50 and an alternate Bid of \$15,000. This amount is \$12,706.09 over the low bid. (See attached bid tab)

**It was moved by Svoboda, seconded by Egan, and unanimously approved by the subcommittee to recommend the Board of Directors award the bid to the second lowest bidder, High Plains Enterprises, Martell, Nebraska, base bid \$89,258.50 and alternate bid \$15,000, subject to legal counsel review and the General Manager can waive any informalities.**

With no other business the meeting was adjourned at 6:20pm.