



## LOWER PLATTE SOUTH natural resources district

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### Memorandum

**Date:** July 18, 2022  
**To:** Urban Subcommittee  
**From:** Mark Lindemann, District Engineer  
**Subject:** Urban Subcommittee Meeting Minutes – July 2022

The Urban Subcommittee met at 5:30pm virtually, on Monday, July 18, 2022. Subcommittee members participating included Tom Green, David Landis, Larry Ruth, and Ray Stevens. Others participating included Board Chair Deb Eagan; NRD staff Paul Zillig, Al Langdale, Mark Lindemann, and Mike Murren. Brad Brabec and Andy Beil with Dakota Springs Homeowners Association were also in attendance. Director Green called the meeting to order at 5:35pm. There were three items the Subcommittee took action on and one report, as described below. A quorum was not present for the meeting.

Chair Green opened the meeting and welcomed those in attendance. Roll call was taken. Green asked for a Subcommittee member to volunteer to provide the report to the Board as he will not be present for the July 20<sup>th</sup> meeting. Dave Landis volunteered to make the report. Chair Green then asked staff to report on the first agenda item.

**12a. Consideration of a Community Assistance Program Request for Cost Share - Dakota Springs HOA dam shoreline erosion repair. [ACTION]** – Murren reported on the application for the cost-share request from Community Assistance Program by Dakota Springs HOA to assist in the repair of shoreline along the dam areas of the two ponds in response to a “notice to comply” letter from the City of Lincoln Transportation and Utilities Division (see attached application from the July 15, background memo). Mr. Brad Brabec, president of the HOA spoke on the circumstances that lead to the “notice to comply” from the City. When first established in 2007, Dakota Springs was developed with twelve homesites, with the intent of the City providing infrastructure for an additional 339 homes on the remaining lots in the next 5 years. Two retention ponds were permitted to impound water in 2007 for upstream flood control. After bankruptcy of the developer and takeover by the lender, the two ponds and all responsibilities of maintenance and repair of the pond components transferred to the twelve existing homeowners. It was noted that dam maintenance manuals or inspection requirements were not provided to the homeowners at the time of transfer and the homeowners did not know of these responsibilities. Once the “notice to comply” was received, the homeowners began to take action to be within compliance, including removal of trees and the hiring of Alfred Benesch and Company for engineering recommendations. Mr. Andy Beil, another HOA member also spoke also agreed that the two retention ponds provide storm water retention and flood control and the creation of wildlife habitat. Ruth asked for confirmation of total cost and what

share the NRD would provide through the CAP program and if the request followed the NRD's policy. Murren noted the NRD would provide a 50% cost-share of \$39,865.50 of the total cost of \$79,721. Murren also mentioned that if water levels remain low, the cost of pumping the ponds would be excluded. Zillig clarified that the NRD's policy is not to pay for maintenance activities and remains consistent in the criteria to participate in cost-share activities when justification is provided. Zillig also mentioned that the ponds were designed and permits were approved based on standard design practices based on conditions at that time. Over time, it has become a realization that standard vegetated banks cannot withstand the water and wave erosion taking place and rock riprap is required. The proposed work to be done is not viewed as maintenance activities.

It was moved by Landis, seconded by Green, and unanimously approved by the Subcommittee to recommend that the Board of Directors approve the Community Assistance Program request by Dakota Springs Homeowners Association for a cost-share assistance, not to exceed \$39,860.50, for the protection of the dam shoreline for the two ponds, pending all permitting requirements are met. A quorum was not present.

**12b. Consideration of a contract agreement with the University of Nebraska-Lincoln, Office of Sponsored Programs, for the Dead Man's Run flume model. [ACTION]** – Lindemann discussed the USACE's request to have the University of Nebraska-Lincoln perform additional measurements, make modifications to the existing flume model, and additional analysis in order to determine appropriate riprap sizing and fine tune the design of the flume at the Railroad bridges for the Dead Man's Run Flood Reduction Project (see attached draft agreement and description of work from UNL from the July 15 background memo). The work performed in this amendment will reduce uncertainties in the design at the flume and other locations on the project and provide a more economical scour protection at these bridges. Ruth asked what the total cost for the project and if it will be cost- shared with the City. Lindemann provided the total cost of \$87,232, which the NRD will pay and request reimbursement of 50% from the City. Ruth also voiced concern about the project delaying progress of the Dead Man's Run project and if UNL's additional work would interfere. Zillig stated that the USACE can continue to progress with their design concurrently while the additional flume analysis is performed by UNL. Stevens mentioned the UNL's initial project cost of \$84,629 and the proposed project is slightly higher. Lindemann noted that the UNL shop labor rates for the previous project were subsidized at a much lower rate of \$10/hour and UNL now requires full shop labor rates of \$40/hour on all their Sponsored Programs projects.

It was moved by Ruth, seconded by Landis, and unanimously approved by the Subcommittee to recommend that the Board of Directors approve Research Agreement #146033 with the University of Nebraska's Office of Sponsored Programs, at a cost of \$87,232, for additional analysis and modifications of the flume model for the Deadman's Run Flood Reduction Project. A quorum was not present.

**12c. Consideration to enter in an agreement with Lancaster County for temporary access of property within Wilderness Park [ACTION]** – Murren reported that the South Salt Creek Master Plan Project #6 engineering services project is under way and that the soil borings and survey work to be performed in Wilderness Park will require temporary access from Lancaster County. An agreement (see attached from

July 15 background memo) has been provided by Lancaster County for temporary access in Wilderness Park.

It was moved by Ruth, seconded by Landis, and unanimously approved by the Subcommittee to recommend that the Board of Directors approve the Agreement for the temporary access into Wilderness Park, for additional the South Salt Creek Master Plan Project #6. A quorum was not present.

**12d. Reports:** - The following report was given to the Subcommittee:

Zillig gave a report of the progress of the Ash Hollow Channel Stabilization project that is budgeted for FY 2023. Zillig provided a history of the Ash Hollow Channel and the Interlocal Agreement between Lancaster County, the City of Waverly, and the NRD that is used to split costs three ways for maintenance and repair of the channel. Lancaster County recently requested a scope of services from Intuition and Logic to address current downcutting and bank stabilization issues. The City of Waverly recently approved to pay their share of the proposal and Lancaster County will be finalizing their budget in the next couple of months. The total cost of the proposal from Intuition and Logic is \$146,782. The NRD, City of Waverly, and Lancaster County will split the costs as per the Interlocal Agreement. The NRD received an invoice from Lancaster County for their responsibility of the project costs for \$48,927.33 on June 17, 2022, and will pay upon tentative approval of the NRD budget (invoice, scope of services, and interlocal agreement attached in July 15 background memo). Stevens asked what estimated construction costs would be. Zillig stated that the project could be expensive and the interlocal team will be in discussions with the engineer to provide the most economical solution.

Other: Zillig mentioned that the NRD will be setting up a few tours for the Directors and encouraged members to let staff know of any projects or focus areas they would like to see.

There being no further business, the meeting was adjourned at approximately 6:21 pm.

ML/ml