




LOWER PLATTE SOUTH natural resources district

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Agenda Item #11

Memorandum

Date: August 24, 2021
To: Each Director
From: Paul D. Zillig, General Manager 
RE: Water Resources Subcommittee Meeting Minutes.

The Water Resources Subcommittee met at 5:30 p.m. on Monday, August 23, 2021 in the NRD Office in Lincoln. Subcommittee members participating included Larry Ruth, Chelsea Johnson, Don Jacobson, John Yoakum, Vern Barrett, Ken Vogel, Gary Hellerich, and Ron Nolte. Other Directors participating included Deborah Eagan. And others participating included David Hladik & Andrew Spader (legal counsel), Mike Sotak, Steve Seglin, Corey Wasserburger, David Potter, Tracy Zayac, Steve Herdzina, Craig Matulka, Dick Ehrman, Mike Murren, Maclane Scott, Dan Schulz, and myself.

Chair Ruth opened the meeting and welcomed those in attendance. Ruth reviewed the agenda and reported that David Hladik & Andrew Spader asked to be on the agenda and discuss their irrigation interests in the Dwight-Valparaiso-Brainard Special Management Area (DVB SMA). Spader addressed the Subcommittee, handed out an August 20th letter, and explained that Hladik/Ragusa are not asking permission to exceed the allocation but are interested in having both their irrigation wells be treated as a single unit for the purposes of determining compliance with irrigation allocations for their farm (currently each well irrigates a specific area and has an allocation for that specific area).

Hladik discussed the history of irrigation on the farm and Herdzina reviewed his August 9th memo explaining the situation and past violations. The subcommittee asked questions and discussed the situation. The guidance was that the process would be for Hladik/Ragusa to consider applying for a variance to the rules and regulations to allow the change to combine the use of the two wells to irrigate the entire 123.7 certified irrigated acres.

The Subcommittee then took up the following action items:

Item 11a – Consideration of cost-share assistance with Duane Burd to remove channel obstructions in Middle Creek.

At the May Board Meeting Duane Burd and Eldon Ficke reported on their problem with downed trees in Middle Creek on the Burd property (near Pleasant Dale). Since that time staff has met with Burd on site, discussed the situation with the County (Burd property is in Seward County and bridge is owned by Lancaster County) and didn't receive any

indication that the County was concerned to the point of contributing to remove the trees because of potential damage to the bridge, and staff has discussed options to consider. The NRD currently has over 600 miles of creeks/streams/rivers with lots of downed trees. Most downed trees cause no problems, but some do. Removing trees from creeks that are more likely to cause damage is expensive, depends on access, size of the tree, disposal costs, etc. The NRD currently has funds in the budget to cost-share with counties on removing downed trees that are threatening a County bridge, we've increased the funding in the current budget for this purpose. The Subcommittee will need to consider whether they recommend funding assistance for a private landowner to remove downed trees and if so, what a fair share of the cost would be?

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The Subcommittee discussed the situation, the extent of the problem, the potential cost, and the District's role. The Subcommittee discussed looking into a "pilot" program that would provide some assistance to landowners to remove downed trees from creeks. It was moved by Hellerich, seconded by Youkum, to direct staff to prepare a draft pilot program for Subcommittee review that would provide cost-share assistance to landowners to removed downed trees/log jams from creeks. The motion failed on a vote of 1 –"yes" and 7 – "no" (Hellerich voting "yes"). There is no recommendation to the Board.

Item 11b - Consideration of Amendment #2 to the UNL Vadose Zone Agreement.

This agreement needs to be extended in order to complete the work. See the attached email from Dick Ehrman and the proposed amendment.

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Ehrman updated the Subcommittee on the status. It was moved by Johnson, seconded by Barrett, and unanimously approved by the Subcommittee to **recommend the Board of Directors approve Amendment #2 to the UNL Vadose Zone Agreement.**

Item 11c – Consideration of bids to repair the Wilson Dam. This project was put out for bid and bids opened August 10th to repair the upstream side of the Wilson Dam near Avoca. See the attached cover letter from FYRA Engineering recommending the work be awarded to Husker Engineering. A copy of the bid tabulation sheet is attached.

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Matulka and Sotak (FYRA Engineering) reported on the proposed repairs and bids received. It was moved by Jacobson, seconded by Youkum, and unanimously approved by the Subcommittee to **recommend the Board of Directors to award the contract to repair the Wilson Dam to Husker Grading of Burwell in an amount of \$49,997.**

Item 11d – Consideration of bids to repair Upper Salt 4-A. This project was put out for bid and bids opened also on August 10th. See the attached cover letter from FYRA Engineering recommending the work be awarded to the low and only bidder, Subsurface Inc to rehabilitate the principal spillway pipe at US 4-A. A copy of the bid tabulation sheet is attached.

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Matulka and Sotak reported on the proposed repairs and bids received. It was moved by Nolte, seconded by Hellerich, and unanimously approved by the Subcommittee to **recommend the Board of Directors award the contract to repair Upper Salt 4-A to Subsurface Inc. from Moorhead, MN in an amount of \$56,380.00.**

Item 11e – Consideration of an Engineering Services Agreement for Upper Salt 5-7.
This grade stabilization dam near Hallam has a degraded principal spillway pipe that now needs to be replaced. Attached is a negotiated professional services agreement with FYRA Engineering to provide the required engineering services required for the design, permitting, bidding, and construction observation phases of the work.

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Matulka and Sotak reported that the State video inspected the pipe and found it had severe corrosion and needs to be repaired (built in 1955). The condition of the pipe is so corroded that lining the pipe isn't an option and it will need to be replaced. It was moved by Youkum, seconded by Vogel, and unanimously approved by the Subcommittee to **recommend the Board of Directors approve the professional services agreement in the amount of \$27,480 with FYRA Engineering for engineering services related to the repairs of Upper Salt 5-7.**

Item 11f – Consideration of additional landrights negotiatons for Oak-Middle 82-B.
The contractor has completed the Oak-Middle 82-B rehab project. Staff continues to work with NRCS on the completion of the contract, final payments, and finishing up two remaining landrights issues with Robert and Mona Kunasek. Please find attached a copy of David Potter's memo explaining the situation and the recommended action for the Water Resources Subcommittee to consider. A summary is that we need to acquire an additional 0.05 acres of easement for the dam/spillway and compensate the Kunasek's for an additional year of accessing the site with construction equipment thru their field.

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Potter reviewed the additional landrights needed for this project and that the additional compensation is in accordance with the appraised damages from when the project was initiated. Potter reviewed the content of the letter of request from the Kunasek's. The Subcommittee desired to take up separately each of the requests and didn't feel it needed to be discussed in closed session, unless additional negotiations needed to be considered.

It was moved by Jacobson, seconded by Youkum, and unanimously approved by the Subcommittee to **recommend the Board of Directors approve the acquisition of the additional dam and spillway permanent easement consisting of 0.05 acres from Robert and Mona Kunasek in the amount of \$150.**

It was then moved by Johnson, seconded by Jacobson, and unanimously approved by the Subcommittee to **recommend the Board of Directors approve to compensate Robert**

and Mona Kunasek for the extended use of the temporary construction access easement in the amount of \$1,350.

Staff then reported that the two planned WRS applications for Water Sustainability Funds (WSF) have been submitted for the AEM related work of the District and ENWRA. The Subcommittee directed staff to submit the Measurable Goals and Objectives to the F&P Subcommittee for inclusion in the Long Range Implementation Plan (LRIP). And Ruth discussed with the Subcommittee the need to do some review and discussion concerning groundwater management and the District's Rules and Regulations. This possibly could be included in this winter's Director Retreat or earlier.

There being no additional business the meeting adjourned at 7:00 pm.

PDZ/pz

cc: Steve Seglin & Corey Wasserburger