



**AMENDMENT #1 TO AGREEMENT**  
**DODGE COUNTY, NE – ELKHORN TOWNSHIP DRAINAGE EVALUATION**  
**JEO PROJECT NO. 181941.00**

**REFERENCE:**

Professional Services/Consultant Agreement effective July 14, 2021.

**PROJECT DESCRIPTION**

In July 2021, Dodge County and JEO Consulting Group entered into an agreement for the Elkhorn Township Drainage Evaluation. This agreement included a two-phase scope of work, a summary of which is below.

**Phase 1 – Evaluation and Project Screening**

- Step 1: Project Kick-Off & Data Gathering
- Step 2: Stakeholder Engagement (Evaluation Phase)
- Step 3: Hydrologic and Hydraulic Analysis
- Step 4: Alternative Identification
- Step 5: Project Screening and Preliminary BCA
- Step 6: Selection of Preferred Alternatives and Final Study Phase Deliverables
- Step 7: Initial Review with NEMA/FEMA

**Phase 2 – Design and Grant Application (Final scope to be determined upon completion of Phase 1)**

- Step 8: Design of Preferred Alternative(s)
- Step 9: Stakeholder Engagement (Design Phase)
- Step 10: HMGP Grant Application

Due to the unknowns regarding the eventual recommendations from Phase 1 a preliminary scope of work for Phase 2 was included, but it was anticipated that a more detailed scope of work would be provided once decisions on the preferred alternative were made by the County, City of Fremont and Lower Platte North NRD. The purpose of this amendment is to define in detail the scope of Phase 2 efforts. There is no proposed modification to the proposed fee for the project at this time.

During the completion of Phase 1 a preferred alternative was identified. The estimated project cost of this alternative is approximately \$50 - \$60 million. At this time, the Phase 1 work described above is nearly complete. The only items yet to be completed are a Public Open House to present the project and funding plan, and up to nine, one-on-one meetings with impacted property owners. These meetings were delayed at the request of the project sponsors until a final decision was made on the preferred alternatives. These meetings will be completed during Phase 2 of the project.

Based on the size and scale of the project, it is recommended that the final grant application includes the cost for final design.

DODGE COUNTY, NE – ELKHORN TOWNSHIP DRAINAGE EVALUATION

Amendment No. 1

The amended summary of Phase 2 – HMP Application is as follows:

- Step 8: Stakeholder Engagement (Phase 2)
- Step 9: Development of Overall Funding Package
- Step 10: Real Estate Review
- Step 11: Regulatory Review
- Step 12: Final BRIC Application Development
- Step 13: Coordination with NEMA/FEMA and Response to RFI

## AMENDMENT SCOPE OF WORK

### Phase 2 – HMGP Application

#### STEP 8 – STAKEHOLDER ENGAGEMENT (PHASE 2)

##### **8.1: Community Open House**

This meeting was delayed from Phase 1 and will be completed in Phase 2. JEO will facilitate and attend one Open House meeting. It is anticipated that this meeting will be held in Fremont and the POC will assist in arranging a suitable location. The JEO team will develop a meeting invite and provide to the POC for distribution. The Open House will provide information on the overall project intent as well as the findings, preferred alternative and funding options. The Open House will be attended by select members of the project team with specific technical understanding of the project that will be able to answer detailed questions if necessary.

##### **8.2: One-on-One Property Owners Meetings**

During Phase 1, one property owner meeting was held. There were 9 additional meetings anticipated, but not completed. It is anticipated that the 9 remaining meetings as well as 11 additional meetings will be scheduled during Phase 2 (total of 20 meetings). These meetings are for information purposes only and to provide updates and information to property owners. These meetings should not be considered negotiation meetings for any potential land acquisition. (9 meetings remaining and additional 11 meetings)

##### **8.3: Project Website**

JEO will coordinate with the project sponsors to create and host a project website. It is anticipated that this site will be a source for documenting the project status and sharing information going forward. It is anticipated that this site will be hosted within the City or County existing internet infrastructure and that JEO can provide content.

##### **8.4: Coordination with Greater Fremont Development Council (GFDC) on Inland Port Authority**

The preferred alternative does impact the potential Inland Port Authority currently being proposed for the area just east of U.S. Highway 275. Initial indications are that the proposed detention area will





positively impact the Port Authority development, however, there still is considerable coordination needed to adequately size and locate the detention area so that it can be utilized by the Port Authority development and that it works within the other rail and roadway needs. It is understood that in approximately spring of 2023, the GFDC will begin master planning the area.

#### **8.5: Coordination with NDOT on U.S. Highway 275 Impacts**

During Phase 1, initial conversations were held with the Nebraska Dept. of Transportation (NDOT) regarding the possibility of additional culverts on U.S. Highway 275 just north of Morningside Rd. These conversations were incorporated into the development of the preferred alternative. With the preferred alternative moving forward, additional coordination with the NDOT is necessary to finalize these details including the preliminary design, distribution of costs, schedule and other responsibilities.

#### **8.6: Coordination with the UPRR**

During Phase 1, initial conversations were held with the Union Pacific Railroad (UPRR) regarding additional culverts or replacement of culverts on both the UPRR mainline as well as the City of Fremont coal off-loading side-track. These conversations were incorporated into the development of the preferred alternative. With the preferred alternative moving forward, additional coordination with the UPRR is necessary to finalize these details including the preliminary design, distribution of costs, schedule, and other responsibilities.

### **STEP 9 – DEVELOPMENT OF OVERALL FUNDING PACKAGE**

#### **9.1: Funding Package**

The preferred alternative has an estimated cost \$50 - \$60 million dollars. It is anticipated that a FEMA BRIC (Building Resilient Infrastructure and Communities) grant application will be a key component of the funding of this project, however there are other sources that may play a roll. The JEO team will review potential funding sources with the project sponsors (County, City and LPN NRD) and develop a potential package that will supplement a FEMA BRIC request. Potential other sources for funding may include

- CDBG – Unmet Need
- American Rescue Plan Act (ARPA)
- Water Sustainability Fund (WSF)
- Port Authority
- Economic Development Administration
- Nebraska State Revolving Fund (SRF)

One consideration of the overall funding package is potential phasing of the project. Some portions of the overall preferred alternative may be implemented separately by either the City of Fremont or Dodge County. The JEO team will facilitate a discussion with the City, County and LPN NRD to determine what if any phasing of the project are in consideration and incorporate into the final FEMA grant application.



## **STEP 10 – REAL ESTATE REVIEW**

### **10.1: Title Search**

In addition to the preferred alternative, there is interest in performing work on several of the other ditches in eastern Dodge County. Several of these ditches reportedly have existing easements that were part of the now defunct Elkhorn River Drainage District. These easements were supposedly turned over to Dodge County. JEO proposes to utilize Dodge County Title Co. for research into the formal and filed easements associated with Ditches 3 and 4. (Refer to the attached Figure) This includes approximately 70 separate parcels. JEO will compile any easements found during this search and provide to the County for documentation.

### **10.2: Property/Section Corner Locations and Drafting of Existing Easements**

Following the research into the existing easements, the JEO survey team will locate the necessary property and section corners to draft the existing easements in a CADD or GIS platform. It is anticipated that this drawing will serve as the basis for future design and operation and maintenance decisions going forward for the existing channels. The existing relevant deed information including easements will be referenced in the basemap for future documentation. The creation of new easement descriptions is not anticipated at this time.

## **STEP 11 – PRELIMINARY REGULATORY REVIEW**

In order to determine potential impacts and necessary permitting requirements, JEO will perform a wetland delineation and initial coordination with the USACE. This documentation will supplement the grant application.

### **11.1: Wetland Desktop Review/Mobilization**

Prior to conducting field work, JEO will identify potential WOTUS, including wetlands, in the study area by researching publicly-available data and resources including, but not limited to: current and historic aerial imagery, National Wetlands Inventory, National Hydrography Dataset, hydric soils, topography, and/or floodplains. Reviewing these resources prior to conducting the field investigation allows work to be focused on areas most likely to contain wetlands, either currently or historically, and to be impacted by the proposed project.

### **11.2: Site Visits/Field Work**

JEO will conduct a site visit to delineate all potential WOTUS, including wetlands, in the study area. The on-site wetland delineation will be conducted in accordance with the 1987 USACE Wetlands Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region (Version 2.0). Information pertaining to vegetation, soils, and hydrology will be collected at paired data points (e.g., one wetland and one upland), with at least one set of paired data points for each aquatic resource observed on-site. Boundaries of all aquatic resources identified on-site will be recorded in the field using a hand-held GPS with sub-meter accuracy (e.g., Trimble R1 and Collector for ArcGIS).





### **11.3: Wetland Delineation Report**

Upon completion of the site visit, JEO will analyze and compile the field data into a wetland delineation report that will detail findings and identify potential WOTUS, including wetlands, located in the study area. The wetland delineation report will include the following:

- Project site location
- Summary of desktop review
- Identification and mapping of boundaries for all recorded WOTUS, including wetlands
- Identification of the types of WOTUS, including wetlands, present on-site (i.e., Cowardin classification and Nebraska Wetland Subclass)
- Photographs of each sample point and all WOTUS, including wetlands
- USACE Wetland Determination Data Forms

It is understood that per USACE criteria wetland delineations are only valid for 5 years. Depending on the overall project schedule, portions of the wetland may need to be updated.

## **STEP 12 – FEMA BRIC APPLICATION DEVELOPMENT**

### **12.1: Development of final Benefit Cost Analysis for Grant Application**

JEO will develop a more refined BCA for the final grant application. This refinement will include additional field survey to verify assumptions made on First Floor Elevations (FFE) for potentially damaged structures. To validate these assumptions for FEMA it is anticipated that JEO will collect survey information for 50 structures, located in the impacted project area in southeast Fremont.

### **12.2: Compilation of previous damage information**

The JEO team has already requested additional damage data from the City of Fremont and Dodge County. These requests are already being processed. This data will be vital in providing justification for the project to FEMA. As the final application is developed it is anticipated that additional data requests will be necessary to bolster the application request. The current requests include:

- NFIP claims data
- Previous FEMA Public Assistance
- Applicable Elevation Certificates

### **12.3: Compilation of final Application with Narratives**

The JEO team has already requested additional damage data from the City of Fremont and Dodge County. These requests are already being processed. This data will be vital in providing justification for the project to FEMA. As the final application is developed it is anticipated that additional data requests will be necessary to bolster the application request. The current requests include:



- NFIP claims data
- Previous FEMA Public Assistance
- Applicable Elevation Certificates

### **STEP 13 – Coordination with NEMA/FEMA and Responses to RFI**

#### **12.1: Coordination with NEMA/FEMA**

Following the initial submittal of the application to NEMA/FEMA it is likely that there will be several Requests for Information (RFI) as the application is reviewed. In order to adequately respond the JEO project team has budgeted time for the JEO staff as well as DCMC Partners.

#### **ADDITIONAL SERVICES NOT INCLUDED**

- A. Full Topographic Survey of Preferred Alternative areas
- B. Final Design of Preferred Alternative
- C. Construction Administration or Construction Phase Services
- D. Additional meetings



**AMENDMENT FEE**

This amendment does not modify the total contract amount, only defines which tasks will be performed for the fees already allocated with the original contract. The original contract allocated \$374,590.00 for Phase 2 efforts. Those fees will be applied as follows:

Phase 2 Project Tasks	Phase 2 Budget
Step 8 – Stakeholder Engagement	\$128,500.00
Step 9 – Development of Overall Funding Package	\$61,000.00
Step 10 – Real Estate Review	\$62,500.00
Step 11 – Regulatory Review	\$9,500.00
Step 12 – Final BRIC Application Development	\$90,000.00
Step 13 – Coordination with NEMA/FEMA and Responses to RFI	\$23,090.00

**TOTAL PROJECT FEE**

INITIAL CONTRACT – July 2021	\$739,580.00
AMENDMENT #1 – This Amendment	\$0.00 (No change in fee)

TOTAL AMENDED FEE: \$739,580.00 (No change in fee)

Owner will be billed monthly for services to date. Invoices are due upon receipt. JEO will provide additional services at your request based on current hourly rate schedule.

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Bob Missel  
Dodge County Board of Supervisors

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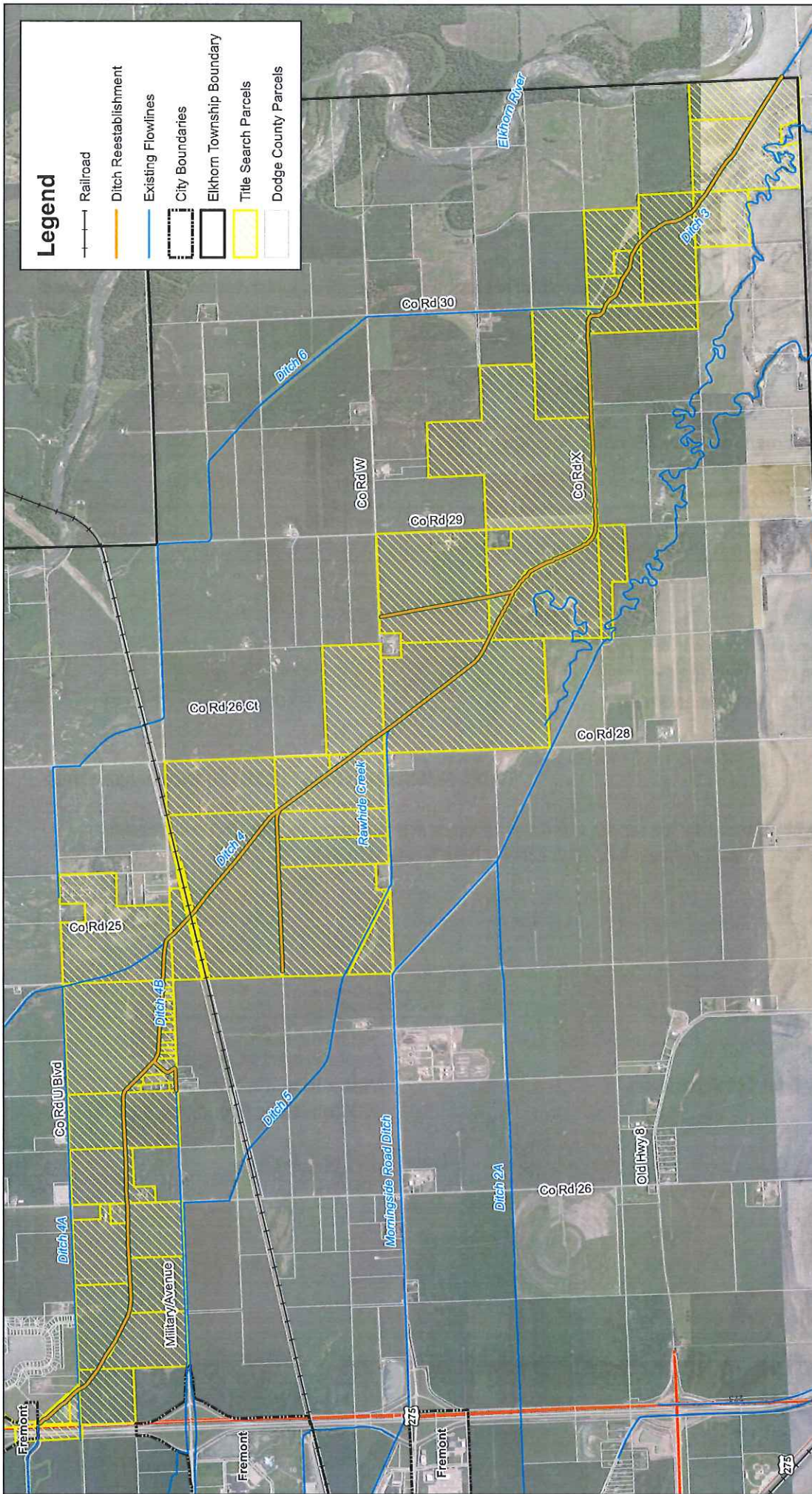
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Kevin Kruse, PE  
Senior Project Manager  
Water Resources Department  
JEO Consulting Group, Inc.

Date: \_\_\_\_\_

Date: 10/12/2022





**Figure 13: Recommendation 2 Phase 1**  
 Elkhorn Township Drainage Improvements

Created By: CEO  
 Date: 10/6/2022  
 Software: ArcGIS 10.8.1

This map was prepared using information from record drawings supplied by JEO and/or other applicable city, county, federal, or public or private agencies. The information used to prepare this map is not to be scaled plan.



1.2 Miles

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