



City of Grand Island

Tuesday, August 26, 2008

Council Session

Item G20

**#2008-234 - Approving Agreement with Platte Valley Weed
Management Area**

Staff Contact: Gary R. Mader; Wesley Nespor

Council Agenda Memo

From: Gary R. Mader, Utilities Director
Wesley Nespor, Asst. City Attorney/Purchasing

Meeting: August 26, 2008

Subject: Control of Noxious Weeds in the Platte River Wellfield

Item #'s: G-20

Presenter(s): Gary R. Mader, Utilities Director

Background

The City of Grand Island Wellfield property lies within the braided channels of the Platte River. The northern most channel of the river establishes the property boundary and is a significant source of recharge to the underlying aquifer which provides drinking water to the City. A non-native, invasive Phragmites species has become abundant in this channel and threatens to reduce or redirect necessary water flow.

Phragmites Australis is an aggressive invasive plant species. It is a perennial grass found along rivers, streams, flood plains, and lake shores in Nebraska. Up to 20 feet tall, dense stands of these non-native Phragmites species will produce a thick monoculture and quickly displace native vegetation. With an extensive system of rhizomes extending up to 32 feet in length and capable of producing many new shoots, Phragmites can quickly consume a waterway. This invasive species is a hybrid cross of an aggressive imported landscaping cultivar and a native reed species.

On April 15, 2008, the Nebraska Department of Agriculture (NDA) Director Greg Ibach designated non-native Phragmites as a noxious weed. This designation was put in place to help county weed control officials and landowners address areas of high infestation and prevent further spread of this invasive species.

Discussion

The invasive Phragmite is now dominate in hundreds of miles of Platte River channels, and over just the past few years, has moved into the channels near the City's Wellfield. The species is now required by noxious weed designation to be controlled by property

owners. Additionally, by its dense level of growth, this hybrid species inhibits river flows adjacent to the Wellfield.

The Platte Valley Weed Management Area (PVWMA) is a group of public and private agencies and land owners working together to coordinate efforts and expertise to combat the spread of invasive and noxious weed species in the central Platte River drainage area. That group is initiating efforts to control the invasive Phragmites species and was recently awarded a grant from the Nebraska Department of Agriculture to assist in that effort. A very similar program was recently successfully completed in the Republican River basin.

The north river channel at the Wellfield is very over-grown by the invasive species and is included in the PVWMA. That group is requesting that the City of Grand Island grant permission for eradication of Phragmites and other invasive species in the river channel adjacent to the Wellfield. The attached agreement is proposed to allow that access. There is no cost to the City.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the agreement to allow PVWMA to control Phragmites Australis and other invasive species in the Platte River adjacent to the Wellfield.

Sample Motion

Move to approve the agreement to allow PVWMA to control Phragmites Australis and other invasive species in the Platte River adjacent to the Wellfield.

AGREEMENT TO ALLOW PROJECT FOR INVASIVE PLANT CONTROL AND RIVER RESTORATION

REQUESTING SPONSOR:

Platte Valley Weed Management Area (PVWMA)

Organization or Group

9730 Antelope Avenue

Street and/or Box Number

Kearney, NE 68847

City and Zip

Dick Kincaid-Chairman Platte Valley Weed Management Area

(308) 236-1244

Contact Person

Telephone Number

The purpose of this Agreement is to authorize the PVWMA, its employees, agents and assigns to conduct invasive plant control within the river channel of the Platte River, on lands owned by the City of Grand Island and to assure that the City take no action that inhibits conducting this project.

PROJECT DESCRIPTION

The Platte Valley Weed Management Area (PVWMA) encompasses 11 counties and approximately 181 river miles of the Platte River. The PVWMA is an association consisting of county weed superintendents, non-government organizations, environmental organizations and local landowners. The PVWMA received a Nebraska Department of Agriculture grant to control and remove invasive species within the Platte River and its side channels. This grant, the central Platte River project will address invasive and noxious weed problems within approximately 135 'river' miles of the Platte River between Gothenburg and Central City Nebraska.

Phragmites and other invasive vegetative species have formed dense plant colonies that stabilize riverbanks and sandbars forming 'choke' points within the river channel that restrict water movement downstream. The primary goal of this project is to improve river channel flow conveyance through the eradication and clearing of invasive vegetation.

Specifically, along the City of Grand Island well field land, the PVWMA would use mechanical means to remove invasive vegetation that is currently invading and choking out the river channels. Mechanical means could be disking, mowing and/or shredding using a variety of machines including posi-tracks, tractors, dozers, challengers and klear-ways. Only vegetation on and within the high-banks of the active channel will be removed.

By removing this vegetation water conveyance will be restored and flooding potential will be reduced. Some of this invasive vegetation could re-grow in the next year or two. Future grants or other monies may be used to do a follow-up treatment.

Approval is hereby requested to enter upon City of Grand Island property to perform invasive plant control and river restoration.

AGREEMENT

PVWMA agrees that if granted a permission to do said work, the following stipulations shall govern:

1. This application shall have been approved prior to PVWMA beginning any operations as requested herein.
2. PVWMA agrees to indemnify and hold harmless the City of Grand Island, its officers and employees from all liability, judgment, costs, expenses, and claims growing out of damages, or alleged damages of any nature whatsoever to any person, property, or third party arising out of the performance or non-performance of said work.
3. This permit shall be subject to any laws now in effect, any laws which may be hereafter enacted, and all applicable rules and regulations of local, state, and federal agencies.
4. PVWMA agrees to give the City of Grand Island Utilities Department 48 hours notice of intention to start operations. Notification shall be given to the City Utilities Director, whose address is 100 East First Street, Grand Island, Nebraska, and whose telephone number is 385-5444 extension 280.
5. PVWMA shall carry on the work as required and authorized by this agreement with serious regard to the safety of the public, adjacent property owners, and volunteers or employees of the PVWMA.
6. PVWMA acknowledges that all personnel involved in this project are directed by the PVWMA and that PVWMA accepts full responsibility for any injuries or damages sustained by or caused by such personnel. The PVWMA acknowledges that they or their employees, agents, and assigns are in no way considered to be employees of the City of Grand Island.
7. PVWMA agrees to conduct their activities in a manner so as to not unreasonably interfere with the City of Grand Island or its lessees' use of the property.
8. Nothing herein shall obligate the PVWMA to expend any funds for the purpose of removing or controlling invasive plant species or re-vegetating City property. Any such expenditure shall be at the sole discretion of the PVWMA and shall be subject to sufficient appropriations and authorizations. Expenditure decisions by the PVWMA are final, binding and not subject to judicial review.
9. Any changes in work scope must be approved, in writing, by the City of Grand Island Utilities Director prior to implementation.
10. No herbicides will be used and all removal of vegetation will be by mechanical means. The agency or company entering upon City property will comply with the City's requirements for liability insurance, property damage insurance, and workers' compensation coverage. Fueling of equipment will not take place on City property and auxiliary fuel tanks will not be brought upon City property so as to minimize the risk of a chemical spill on the City's well field.

The City of Grand Island reserves the right to terminate this agreement at the sole judgment of the City.

This Agreement shall remain in force from July 1, 2008 to June 30, 2009.

Platte Valley Weed Management Area:

By: _____
Dick Kincaid, Chairman

Date: _____

CITY OF GRAND ISLAND, NEBRASKA

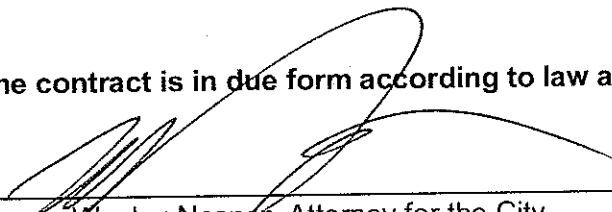
By: _____
Margaret Hornady, Mayor

Date: _____

Attest: _____
RaNae Edwards, City Clerk

Date: _____

The contract is in due form according to law and hereby approved.



Wesley Nespor, Attorney for the City

Date: 8.14.08

RESOLUTION 2008-234

WHEREAS, Phragmites Australis is an aggressive invasive plant species; and

WHEREAS on April 15, 2008, the Nebraska Department of Agriculture Director designated Phragmites Australis as a noxious weed; and

WHEREAS the Platte River channel adjacent to the Grand Island Municipal Wellfield is over grown by this and other noxious weeds; and

WHEREAS the Platte Valley Weed Management Area (PVWMA) provides removal of invasive and noxious weed species in the central Platte River drainage area; and

WHEREAS PVWMA wishes to access City owned property to remove Phragmites Australis and other noxious weeds on City property; and

WHEREAS, the **Agreement to Allow Project for Invasive Plant Control and River Restoration** between the Platte Valley Weed Management Area and the City of Grand Island is at no cost to the City; and

WHEREAS, it is in the best interests of the City to participate in this service; and

WHEREAS, the proposed agreement has been reviewed and approved by the City Attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the **Agreement to Allow Project for Invasive Plant Control and River Restoration** is hereby approved, and the Mayor is hereby authorized and directed to execute such agreement on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, August 26, 2008.

Margaret Hornady, Mayor

Attest:

Approved as to Form	☐ _____
August 21, 2008	☐ City Attorney

RaNae Edwards, City Clerk