

CORRECTED 8-1-18

STATE OF NEBRASKA

Minutes of the
Board of Public Roads Classifications and Standards

April 20, 2018

Nebraska Department of Transportation, Training Room 152
5001 South 14th Street, Lincoln, Nebraska

Meeting and Hearings Notices:

- Statewide news release emailed and posted on Nebraska Department of Transportation website April 13, 2018.
- Event posted on the State of Nebraska website (Public Meeting Calendar) April 13, 2018.
- Tentative agenda emailed to each board member and interested persons on April 13, 2018.
- Meeting agenda kept current and on public display in Liaison Services Section, Room 123B, Nebraska Department of Transportation, 1400 Highway 2, Lincoln, Nebraska.
- Meeting agenda posted in the main entrance of the Nebraska Department of Transportation's 1500 Highway 2 building; in the main entrance of the 5001 South 14th Street Building; and outside of room 152, on April 20, 2018.
- Relaxation of Standards hearing notice emailed to Blaine, Custer and Webster Counties, and the City of Omaha, on April 13, 2018.

Board members present:

Roger Figard, Lincoln, Chairman
James A. Litchfield, Wakefield, Vice Chairman
Barbara Keegan, Alliance
John F. Krager, Omaha
Lisa Kramer, Kennard
Mick Syslo, Lincoln
Darold E. Tagge, Holdrege
David Wacker, Hastings
Timothy W. Weander, Omaha (*arrived at 9:04 a.m.*)
Edward R. Wootton, Sr., Bellevue

Board members absent:

LeRoy G. Gerrard, Stromsburg

Staff members present:

LeMoyne D. Schulz, Board Secretary & Highway Local Liaison Coordinator, NDOT, Lincoln
Dennis R. Smith, Highway Local Coordinator, Liaison Services Section, Nebraska
LTAP/NDOT, Lincoln
Barbara Hasterlo, Office Associate, Liaison Services Section, Nebraska LTAP/NDOT, Lincoln

Others in attendance:

Jodi Gibson, Materials & Research Division, Highway Local Project and Research Administration, NDOT, Lincoln
Erich Strack, Government Affairs Office, Legislative Coordinator, NDOT, Lincoln
Mark Traynowicz, Bridge Division, NDOT, Lincoln
Kent Anderson, Blaine County Highway Superintendent
Mark Mainelli, Mainelli-Wagner & Associates, Lincoln, representing Custer County
Chris Hennings, Alfred Benesch & Company, Omaha, representing City of Omaha
Jon Meyer, Project Manager, City of Omaha
Bill Herr, Project Administrator, Sarpy County Public Works Department

* * * * *

Chairman Figard called the meeting to order at 9:03 a.m. The meeting was open to the public.

* * * * *

Chairman Figard made the following announcements in compliance with the Open Meetings Act.

- A copy of the Open Meetings Act is available for inspection and is posted by the entrance to this room.
- The Meeting Agenda and a copy of all materials that were provided to the Board Members, prior to the start of this meeting, are available on the table by the entrance to this room.
- A sign in sheet is available. Visitors are not required to sign, but are encouraged to do so.

* * * * *

Mr. Schulz noted the following changes from the originally published agenda:

Additional: 2018 One-and Six-Year Plans received.

Added: Request to Withdraw Webster County Relaxation for Project C-91(579), Bridge No. C009124015, received April 18, 2018.

* * * * *

Mr. Wootton moved to approve the February 16, 2018 meeting minutes. Mr. Krager seconded the motion. Members Keegan, Krager, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. Member Kramer abstained. Member Gerrard was absent. The motion carried.

* * * * *

The board considered the Status of the submission of the 2017– 2018 Standardized System of Annual Reports.

- A total of 93 County, 524 Municipal and the Nebraska Department of Transportation's Reports have been received.
- A total of 93 County, 509 Municipal and the Nebraska Department of Transportation's Reports were accepted at previous meetings.
- Fifteen (15) Municipal Reports are recommended for acceptance:
Burton Clearwater Cowles Farwell Gering Kennard Ruskin Weston

- Five (5) municipalities have not submitted a Report. Ithaca, Maskell, Memphis and Orchard's Reports have been delinquent since January 1, 2018. Omaha's Report has been delinquent since April 1, 2018. The municipalities have been notified of the delinquency.

Mr. Wootton moved to accept the Status Report of the Standardized System of Annual Reports for 2017– 2018, as presented. Ms. Keegan seconded the motion. Members Keegan, Krager, Kramer, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. Member Gerrard was absent. The motion carried.

- - - - -

Mr. Wacker moved to suspend Highway Allocation Funds to Ithaca, Maskell, Memphis and Orchard, in accordance with Neb. Rev. Stat. Sec. 39–2121, if the reports are not received by May 1, 2018. Mr. Wootton seconded the motion. Members Keegan, Krager, Kramer, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. Member Gerrard was absent. The motion carried. *(Notification letters were sent April 24, 2018 to Ithaca, Memphis, Maskell and Orchard (see Attachment # 1). Memphis and Orchard averted suspension by submitting a report.)*

* * * * *

The board considered the Status of the submission of the 2018 One- and Six-Year Plans.

- A total of 85 County and 522 Municipal One-and Six-Year Plans have been received.
- Ten (10) County and 111 Municipal One- and Six-Year Plans were accepted at previous meetings.
- Seventy-five (75) County and 411 Municipal One- and Six-Year Plans are recommended for acceptance.
- Three (3) Counties have not submitted a One- and Six-Year Plan. The Plans have been delinquent since March 2, 2018. The counties have been notified of the delinquency:
Antelope Madison Pierce
- Seven (7) Municipalities have not submitted a One- and Six-Year Plan. The Plans have been delinquent since March 2, 2018. The municipalities have been notified of the delinquency:
Benkelman Farwell Platte Center Wynot
Carroll Greenwood Winslow

Mr. Wootton moved to accept the Status Report of the 2018 One- and Six-Year Plans, as presented. Mr. Tagge seconded the motion. Members Keegan, Krager, Kramer, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. Member Gerrard was absent. The motion carried.

* * * * *

The board considered the Sarpy County One- and Six-Year Plan revision adding Work/Project No. C-77(17-18) to the 2017 One-Year Plan. A copy of the county Resolution #2018-29, adopted January 30, 2018, was received on March 12, 2018. Mr. Herr presented the request.

The Work/Project consists of traffic signals at 192nd St. and Nebraska Highway 370. The estimated cost is \$267,000 (\$89,000 County Funding and \$178,000 Other Funding from Gretna School District, SID 299 Aspen Creek and NDOT).

Mr. Wootton moved to accept the Sarpy County revision. Ms. Kramer seconded the motion. Members Keegan, Krager, Kramer, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. Member Gerrard was absent. The motion carried.

* * * * *

The board considered the City of Grand Island One- and Six-Year Plan revision adding Work/Project No. M-310(652) to the 2018 One-Year Plan. A copy of city Resolution No. 2018-95, adopted April 10, 2018, was received on April 11, 2018. No one was present to present the request.

The Work/Project consists of Work Type N&R, concrete surfacing on a Local street. The estimated cost is \$250,000 (\$125,000 Municipal Funding and \$125,000 Other Funding).

Mr. Wacker moved to accept the City of Grand Island revision. Mr. Wootton seconded the motion. Members Keegan, Krager, Kramer, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. Member Gerrard was absent. The motion carried.

* * * * *

The board considered the City of Lexington One- and Six-Year Plan revision adding Work/Project Nos. M-383(121)A and M-383(127) to the 2017 One-Year Plan. A copy of city Resolution No. 2018-03, adopted March 13, 2018, was received on April 9, 2018. Mr. Tagge presented the request.

Work/Project No. M-383(121)A consists of Work Type N&R, concrete surfacing on a Local street. The estimated cost is \$460,000 (Municipal Funding). The status of the Drainage Study was not indicated.

Work/Project No. M-383(127), consists of Work Type N&R, replace culvert on a Local street. The estimated cost is \$116,000 (Municipal Funding). The status of the Drainage Study was not indicated.

Mr. Wacker moved to accept the City of Lexington revisions contingent upon a revised NBCS Form 10 be filed for both projects, indicating the status of the Drainage Study. Mr. Wootton seconded the motion. Members Keegan, Krager, Kramer, Litchfield, Syslo, Wacker, Weander, Wootton and Figard voted YES. Member Tagge abstained. Member Gerrard was absent. The motion carried. *(On May 7, 2018, the Darold Tagge, Lexington City Street Superintendent, filed a revised NBCS Form 10 for each project, along with a letter from Olsson Associates and an email from Miller & Associates on status of the Drainage Study.)*

* * * * *

At 9:26 a.m., the Board heard the City of Omaha request for a Relaxation for City Project No. M-465(630F), Federal Aid Project No. MAPA – 5127(1), C.N. 22736, 156th St. Improvements. *(The hearing was held in an informal format, City of Omaha having declined the option of a formal hearing.)* The request is for a Relaxation of the 428 NAC 2-001.03C, New and Reconstructed

Municipal Street – 45 MPH Design Speed, Sag K Value, Stopping Site Distance, and 428 NAC 2-001.03B Note 8 first paragraph, as specified in a letter dated February 26, 2018 (on Benesch letterhead), and City of Omaha Resolution No. 338, adopted April 10, 2018. Mr. Henning and Mr. Meyer presented the request. **NDOT approved the request.** No one appeared in opposition. The hearing concluded at 9:39 a.m. The Board then considered the request.

Mr. Weander moved to 1) grant the City of Omaha Relaxation request in view of the peculiar, special or unique local situation presented, whereby the application of the specific Minimum Design Standards would work a special hardship; and 2) contingent upon Michael Kleffner, Omaha Street Superintendent, resubmitting the request on City letterhead appropriate for his division. Mr. Wootton seconded the motion. Members Keegan, Krager, Kramer, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. Member Gerrard was absent. The motion carried with the requisite majority vote. *(On April 28, 2018, the City of Omaha filed a letter, dated April 23, 2018, and signed by Michael Kleffner.)*

* * * * *

At 9:44 a.m., the Board heard the Custer County request for a Relaxation for County Project No. C-21(372), Bridge No. C002157205P, Mason City East. *(The hearing was held in an informal format, Custer County having declined the option of a formal hearing.)* The request is for a Relaxation of Standards for Construction of a Low Water Crossing on a Local road, as specified its letter dated March 13, 2018, and County Board Resolution No. 9R-2018, adopted March 13, 2018. Mr. Mainelli presented the request. No one appeared in opposition. The hearing concluded at 10:04 a.m. The Board then considered the request.

Mr. Wacker moved to table (continue the hearing on the Custer County Relaxation request until the next meeting) for additional information, and request the County provide the following documentation within fourteen 14 days (by the close of business on May 4, 2018 (ref. 428 NAC 2 – 004.01G): 1) the County identify the beginning and the ending stations of the project on the plans and 2) the County provide the Design Speed, K Value, and the Stopping Sight Distance for each of the four (4) vertical curves. Ms. Kramer seconded the motion. Members Keegan, Krager, Kramer, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. Member Gerrard was absent. The motion carried with the requisite majority vote.

* * * * *

At 10:06 a.m., the Board heard the Blaine County request for a Relaxation for County Project No. C-5(17), Bridge No. C000501505P. *(The hearing was held in an informal format, Blaine County having declined the option of a formal hearing.)* The request is for a Relaxation of Standards for Construction of 428 NAC 2-001.03J, New and Reconstructed County Road – Clear Bridge Width, as specified in its letter of April 3, 2018, and County Board Resolution No. 2018-03, adopted March 28, 2018. Mr. Anderson presented the request, and Mr. Mainelli and Mr. Traynowicz commented. No one appeared in opposition. The hearing concluded at 10:36 a.m. The Board then considered the request.

Mr. Wacker moved to deny Blaine County's request without prejudice with the recommendation that Blaine County seek reclassification of the road from "Local" to "Remote Residential." Mr. Litchfield seconded the motion. Members Keegan, Krager, Kramer, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. Member Gerrard was absent. The motion carried with the requisite majority vote. *(On May 7, 2018, NDOT approved the State Functional Classification System change.)*

* * * * *

Other business:

- Mr. Strack provided a state and federal Legislative Report.
- Update on revision of 428 NAC 3, Annual Reporting of One- and Six-Year Plans and 428 NAC 4, Standardized System of Annual Reporting Regulations; 2018 Work Plan/Vision for the Future; and, the possible inclusion of the 2017 Standard Specifications for Highway Construction into the Standards. Chairman Figard and Ms. Gibson advised they continue to meet with counsel to determine what needs to be in the regulations and what can be done administratively by the board.

* * * * *

Mr. Schulz reported the following correspondence and general information:

- Legislative Confirmation of Members Keegan, Litchfield, Syslo and Wootton. The appointments of Ms. Keegan, Mr. Litchfield, Mr. Syslo and Mr. Wootton were confirmed by the Legislature on February 27, 2018. The appointments will expire November 30, 2021.
- Board members received a copy of a March 22, 2018 email from the Nebraska State Auditor's Office informing that they will perform reviews of aid payments made to five (5) counties and five (5) municipalities from the Highway Allocation Fund.
- Board members received a copy of the *Nebraska Board of Examiners for County Highway and City Street Superintendents January 26 and March 2, 2018 meeting minutes.*
- Board members received an updated copy of the *NBCS – Schedule of Meetings for 2018 – 2019.*

* * * * *

There were no Comments from the Audience.

* * * * *

The next regular meeting will be held May 18 at 9:00 a.m., in the Nebraska Department of Transportation's Central Headquarters Building Auditorium, Room 139A, 1500 Highway 2, Lincoln, Nebraska.

* * * * *

There being no further agenda items, Chairman Figard adjourned the meeting at 11:15 a.m.

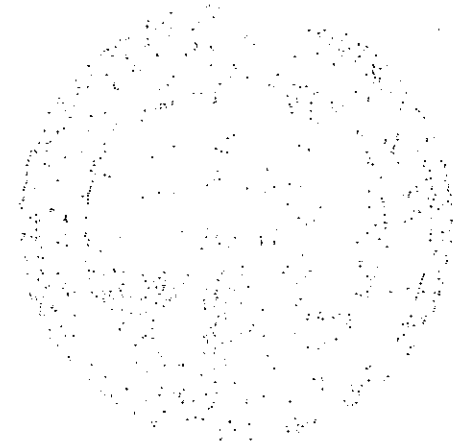
* * * * *

LeMoyne D. Schulz
Secretary for the Board
<https://dot.nebraska.gov/business-center/lpa/boards-liaison/>

NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION



April 24, 2018

Ithaca Village Board
c/o Michelle Thompson, Ithaca Village Clerk
530 Main Street
PO Box 123
Ithaca NE 68033

Dear Ithaca Village Board Members:

The Board of Public Roads Classifications and Standards, at their regular meeting on April 20, 2018 voted to request that the State Treasurer suspend distribution of Highway-User Revenue to the Village of Ithaca for failure to submit the Standardized Annual Road, Street and Highway Program Financial Report and Budget for 2017-2018, if the report is still outstanding on May 1, 2018.

The penalty provision of 39-2121 Nebraska Revised Statutes provides that if any county or municipality fails to file such report on or before its due date, the Board shall notify the local governing board, the Governor, and the State Treasurer who shall suspend distribution of any Highway-User Revenue ("Highway Allocation Funds") allocated to such county or municipality until the report has been filed. Such funds shall be held in escrow for six months until the county or municipality complies. If the county or municipality complies within the six-month period, it shall receive the money in escrow, but after six months, if the county or municipality fails to comply the money in the escrow account shall be lost to the county or municipality.

Unless the report is submitted by May 1, 2018, a letter will be sent to State Treasurer Don Stenberg requesting suspension of Ithaca's monthly allocation from that point forward.

Sincerely,

Handwritten signature of LeMoyne D. Schulz in black ink.

LeMoyne D. Schulz
Secretary for the Board

LDS/bpr10-zm1

xc: Julie A. Ogden, Ithaca City Street Supt.
File

Roger A. Figard
Lincoln

LeRoy G. Gerrard
Stromsburg

Barbara J. Keegan
Alliance

John F. Krager, III
Omaha

Lisa Kramer
Kennard

James A. Litchfield
Wakefield

Mick Syslo
Lincoln

Darold E. Tagge
Holdrege

David L. Wacker
Hastings

Timothy W. Weander
Omaha

Edward R. Wootton, Sr.
Bellevue

LeMoyne D. Schulz
Secretary – ex officio

Attachment No. 1

Page 1 of 4 Pages

Kyle Schneeweis, P.E., Director

Department of Transportation

Board of Public Roads Classifications and Standards

1500 Highway 2

PO Box 94759

Lincoln, NE 68509-4759

dot.nebraska.gov

OFFICE 402-479-4436 FAX 402-479-3525

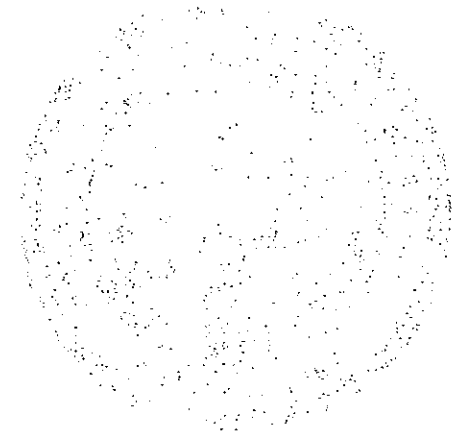
NDOT.ContactUs@nebraska.gov

NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

April 24, 2018



Maskell Village Board
c/o Jennifer Olson, Maskell Village Clerk
203 Walnut Street
PO Box 542
Maskell NE 68751

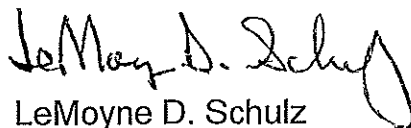
Dear Maskell Village Board Members:

The Board of Public Roads Classifications and Standards, at their regular meeting on April 20, 2018 voted to request that the State Treasurer suspend distribution of Highway-User Revenue to the Village of Maskell for failure to submit the Standardized Annual Road, Street and Highway Program Financial Report and Budget for 2017-2018, if the report is still outstanding on May 1, 2018.

The penalty provision of 39-2121 Nebraska Revised Statutes provides that if any county or municipality fails to file such report on or before its due date, the Board shall notify the local governing board, the Governor, and the State Treasurer who shall suspend distribution of any Highway-User Revenue ("Highway Allocation Funds") allocated to such county or municipality until the report has been filed. Such funds shall be held in escrow for six months until the county or municipality complies. If the county or municipality complies within the six-month period, it shall receive the money in escrow, but after six months, if the county or municipality fails to comply the money in the escrow account shall be lost to the county or municipality.

Unless the report is submitted by May 1, 2018, a letter will be sent to State Treasurer Don Stenberg requesting suspension of Maskell's monthly allocation from that point forward.

Sincerely,


LeMoyne D. Schulz
Secretary for the Board

LDS/bpr10-zm2

xc: Keith L. Gilmore, Village of Maskell City Street Supt.
File

Roger A. Figard
Lincoln

LeRoy G. Gerrard
Stromsburg

Barbara J. Keegan
Alliance

John F. Krager, III
Omaha

Lisa Kramer
Kennard

James A. Litchfield
Wakefield

Mick Syslo
Lincoln

Darold E. Tagge
Holdrege

David L. Wacker
Hastings

Timothy W. Weander
Omaha

Edward R. Wootton, Sr.
Bellevue

LeMoyne D. Schulz
Secretary – ex officio

Attachment No. 1

Page 2 of 4 Pages

Kyle Schneeweis, P.E., Director

Department of Transportation

Board of Public Roads Classifications and Standards

1500 Highway 2

PO Box 94759

Lincoln, NE 68509-4759

dot.nebraska.gov

OFFICE 402-479-4436 FAX 402-479-3525

NDOT.ContactUs@nebraska.gov

NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

April 24, 2018



Memphis Village Board
c/o Beatrice Kellogg, Memphis Village Clerk
2126 Silver
Ashland NE 68003

Dear Memphis Village Board Members:

The Board of Public Roads Classifications and Standards, at their regular meeting on April 20, 2018 voted to request that the State Treasurer suspend distribution of Highway-User Revenue to the Village of Memphis for failure to submit the Standardized Annual Road, Street and Highway Program Financial Report and Budget for 2017-2018, if the report is still outstanding on May 1, 2018.

The penalty provision of 39-2121 Nebraska Revised Statutes provides that if any county or municipality fails to file such report on or before its due date, the Board shall notify the local governing board, the Governor, and the State Treasurer who shall suspend distribution of any Highway-User Revenue ("Highway Allocation Funds") allocated to such county or municipality until the report has been filed. Such funds shall be held in escrow for six months until the county or municipality complies. If the county or municipality complies within the six-month period, it shall receive the money in escrow, but after six months, if the county or municipality fails to comply the money in the escrow account shall be lost to the county or municipality.

Unless the report is submitted by May 1, 2018, a letter will be sent to State Treasurer Don Stenberg requesting suspension of Memphis' monthly allocation from that point forward.

Sincerely,

A handwritten signature in black ink, appearing to read "LeMoyne D. Schulz".

LeMoyne D. Schulz
Secretary for the Board

LDS/bpr10-zm3

xc: Scott A. Cowles, Village of Memphis City Street Supt.
File

Roger A. Figard
Lincoln

LeRoy G. Gerrard
Stromsburg

Barbara J. Keegan
Alliance

John F. Krager, III
Omaha

Lisa Kramer
Kennard

James A. Litchfield
Wakefield

Mick Syslo
Lincoln

Darold E. Tagge
Holdrege

David L. Wacker
Hastings

Timothy W. Weander
Omaha

Edward R. Wootton, Sr.
Bellevue

LeMoyne D. Schulz
Secretary – ex-officio

Attachment No. 1
Page 3 of 4 Pages

Kyle Schnewels, P.E., Director

Department of Transportation

Board of Public Roads Classifications and Standards

1500 Highway 2

PO Box 94759

Lincoln, NE 68509-4759

dot.nebraska.gov

OFFICE 402-479-4436 FAX 402-479-3525

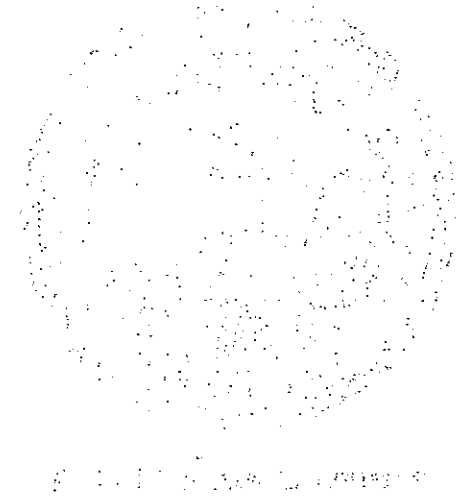
NDOT.ContactUs@nebraska.gov

NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

April 24, 2018



Orchard Village Board
c/o Brenda Harrison, Orchard Village Clerk
230 North Windom
Orchard, NE 68764

Dear Orchard Village Board Members:

The Board of Public Roads Classifications and Standards, at their regular meeting on April 20, 2018 voted to request that the State Treasurer suspend distribution of Highway-User Revenue to the Village of Orchard for failure to submit the Standardized Annual Road, Street and Highway Program Financial Report and Budget for 2017-2018, if the report is still outstanding on May 1, 2018.

The penalty provision of 39-2121 Nebraska Revised Statutes provides that if any county or municipality fails to file such report on or before its due date, the Board shall notify the local governing board, the Governor, and the State Treasurer who shall suspend distribution of any Highway-User Revenue ("Highway Allocation Funds") allocated to such county or municipality until the report has been filed. Such funds shall be held in escrow for six months until the county or municipality complies. If the county or municipality complies within the six-month period, it shall receive the money in escrow, but after six months, if the county or municipality fails to comply the money in the escrow account shall be lost to the county or municipality.

Unless the report is submitted by May 1, 2018, a letter will be sent to State Treasurer Don Stenberg requesting suspension of Orchard's monthly allocation from that point forward.

Sincerely,

Handwritten signature of LeMoyne D. Schulz in black ink.

LeMoyne D. Schulz
Secretary for the Board

LDS/bpr10-zm4

xc: Keith L. Gilmore, Village of Orchard Street Supt.
File

Roger A. Figard
Lincoln

LeRoy G. Gerrard
Stromsburg

Barbara J. Keegan
Alliance

John F. Krager, III
Omaha

Lisa Kramer
Kennard

James A. Litchfield
Wakefield

Mick Syslo
Lincoln

Darold E. Tagge
Holdrege

David L. Wacker
Hastings

Timothy W. Weander
Omaha

Edward R. Wootton, Sr.
Bellevue

LeMoyne D. Schulz
Secretary – ex officio

Kyle Schneeweis, P.E., Director

Department of Transportation

Board of Public Roads Classifications and Standards

1500 Highway 2

PO Box 94759

Lincoln, NE 68509-4759

dot.nebraska.gov

OFFICE 402-479-4436 FAX 402-479-3525

NDOT.ContactUs@nebraska.gov

Attachment No. 1
Page 4 of 4 Pages