

Consulting Party Meeting Notes

DATE & TIME September 12, 2018 at 10:00 AM

SUBJECT CN 13214, ENH-49(46), Tecumseh Historic Square Preservation

LOCATION Tecumseh Community Building (355 Clay Street, Tecumseh)

- Meeting attendees included members from the Tecumseh Architectural Review Board and the Tecumseh Historic Square Committee (the Party).
- The citizens of Tecumseh are frustrated and anxious regarding the condition of the brick streets.
- The Nebraska Department of Transportation (NDOT) learned about the Tecumseh Historic Square Committee during the 2017 public meeting held regarding this project.
- Katie Turner, NDOT, explained the project history.
- Stacy Stupka, NDOT, explained the Secretary of the Interior (SOI) standards for rehabilitation.
- Doug Goracke, City of Tecumseh, explained past difficulties associated with the re-use of existing brick pavers. During past city maintenance projects Goracke discovered that brick pavers which appear to be suitable for re-use from the street level may crumble once the brick paver is removed from the existing road bed. Additionally, some brick pavers further deteriorate while being stored for re-use. Per past experiences, there is no visible way to determine which of the existing brick pavers are suitable for re-use.
- Katie Turner explained that a Ground Penetrating Radar (GPR) study is not a viable option for determining which of the existing bricks are suitable for re-use in the current project.
- The difficulties of sorting the re-usable brick pavers from the non-recyclable brick pavers was also discussed. The task of sorting the re-usable brick pavers from the non-recyclable brick pavers will be challenging.
 - In order to successfully determine which brick pavers are recyclable and which brick pavers are not recyclable each brick paver would be removed individually and would be examined to determine the potential for re-use.
 - There is no guarantee that brick pavers determined suitable for recycling would remain suitable after the pavers have been in storage.
- The existing brick pavers have been in place for approximately one hundred years. NDOT engineers are unable to say definitively how much longer the existing brick pavers may remain usable.
 - NDOT expressed concerns about the lifespan of the existing brick pavers. The existing brick may break down in near future and need to be replaced again.
- NDOT also expressed concerns regarding reconstructing the brick streets through a combination of re-used brick pavers and new brick pavers.
 - The existing brick pavers are heavily worn and several pavers have lost their original squared edges. In order for the brick pavers to interlock correctly, the brick pavers must have squared edges. Therefore, there are concerns that the existing brick pavers may not interlock with new brick pavers as required to meet current transportation standards.
 - The interlocking of new brick pavers with the existing brick pavers may cause stress on the existing brick pavers resulting in the existing brick pavers to further deteriorate. NDOT cultural resources specialists indicated that the re-use of recycled brick pavers and the use of recycled brick pavers supplemented with

new brick pavers will both maintain a *No Adverse Effect* project effects determination.

- Doug Goracke stated that the Party agrees there may not be enough original brick which is suitable for re-use in the current project. Goracke proposed re-using the existing brick in other ways within the City of Tecumseh:
 - planters, city parking, the veterans memorial, sidewalks/paths
- Thomas Morrissey, Tecumseh Architectural Review Board, noted that business owners located around the square have noticed the deterioration of the brick streets. Morrissey noted that it would be difficult to salvage any existing brick to be re-used in the current project.
- Mayor Montz hypothesized that the appraisal of the existing brick would be difficult and expensive.
- Mayor Montz and the City of Tecumseh want a project which will bring a sense of pride of the community.
- The Party is amiable to the use of new bricks in place of the original bricks for the current project. The Party was adamant they do not want asphalt to be placed over the existing brick streets.
- Steve Mercure, Tecumseh Architectural Review Board, stated the unknown costs associated with re-use of the existing brick is too high, but wants the bricks to be used in the current project to be of a similar quality and appearance to the existing brick.
 - Mercure would like to make the new brick match the old brick – this would be an enhancement that would not take away from the feeling, design, and setting of the old brick.
 - Shayne Huxoll, Olsson Associates, indicated that the new brick might be able to be made to look like the existing brick pavers.
- The patterning present in the existing brick streets was mentioned and the Party would like for the reconstructed brick streets to match the existing pattern.
- The Party has concerns regarding their match for the cost of the project if all new brick is used in the streets.
 - Shayne Huxoll indicated it might be cheaper to use new brick rather than re-using the existing brick.
 - NDOT cultural resources specialists indicated the use of new brick pavers would maintain the *No Adverse Effect* project effects determination.
- Diane Newman, Johnson County Hospital, indicated that the Johnson County Hospital (which is a brick structure) recently completed an addition. Post construction the new brick matches the old brick in such a way that people have a hard time distinguishing which part of the hospital is original and which part of the hospital is the new addition.
- Susan Fallon, Federal Highway Administration (FHWA), addressed the need for the curb ramps and sidewalks to be ADA compliant.
 - The statement was made that the City of Tecumseh's ROW includes the area between the face of the building to the street. The City of Tecumseh will make their property ADA compliant.
 - The statement was made that the ADA work could be completed in concrete; however, the Party would like the sidewalks to be brick. The City of Tecumseh would be able to maintain the crosswalks to ADA standards.
 - Stacy Stupka indicated that concrete crosswalks would not affect the integrity of the Tecumseh Historic District and that the concrete would meet the SOI standards.
 - The crosswalks and ADA will be completed in brick.
- Doug Goracke indicated towards the end of the meeting that the Party previously voted on the issue regarding whether to re-use the existing brick or use new brick. The decision was made that new bricks should be used in the current project.
 - The original brick would be re-used in non-transportation areas.
 - Stacy Stupka indicated that the re-use of the existing brick for non-transportation uses as part of the current project has Section 106 implications and needs to be considered.

- Dan Rea, NDOT, will find out if the City of Tecumseh can use the original brick for non-project related activities.

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DEPARTMENT OF TRANSPORTATION



March 12, 2019

Pete Ricketts, Governor

Mr. Steven Mercure
Tecumseh Architectural Review Board
398 Broadway Street
Tecumseh, Nebraska 68450

RE: ENH-49(46), CN 13214, Tecumseh Historic Square Preservation, Johnson County

Dear Mr. Mercure:

As you are aware, the City of Tecumseh, in cooperation with the Nebraska Department of Transportation (NDOT), and using transportation enhancement funds from the Federal Highway Administration (FHWA), proposes to reconstruct the existing brick streets and existing concrete walkways within the City of Tecumseh (the Project).

Due to FHWA involvement, the Project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act (36 CFR 800) which requires all federal agencies to consider and consult regarding the effects of proposed projects on historic properties. The Nebraska State Historic Preservation Office (SHPO) is a concurring party for this undertaking and the Ponca Tribe of Nebraska is a consulting party. SHPO concurred with National Register of Historic Places (NRHP) eligibility recommendations on June 11, 2014 and on a project effects determination of *No Adverse Effect* on April 7, 2015 (Enclosure 1). To date, no response has been received from the Ponca Tribe of Nebraska.

NDOT invites the Tecumseh Architectural Review Board and the Tecumseh Historic Square Committee to participate in this consultation. Under Section 106 regulations, there are three possible determinations of effects on historic properties: 1) *No Historic Properties Affected*; 2) *No Adverse Effect*; and 3) *Adverse Effect*. For your convenience, a publication titled *Protecting Historic Properties: A Citizen's Guide to Section 106 Review* is included for your review (Enclosure 2).

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by NDOT pursuant to 23 USC 326 and the Memorandum of Understanding dated September 5, 2018, and executed by FHWA and NDOT.

Project Description Summary:

The Project is generally described as a reconstruction of existing brick streets and existing concrete walkways. The Project Study Area, includes brick paved streets, concrete paved parking, concrete paved walkways, and concrete curb and gutters. The brick surfacing has either deteriorated in place, been repaired/replaced with materials such as asphalt or concrete, or has remained in good condition. The same brick streets have over time settled or heaved creating uneven surfaces. The concrete paved parking areas, concrete paved walkways, and concrete curb and gutters range in condition from fair to poor and lack consistent width, type, or location.

The Project would include removing all existing brick and relaying new brick that is either the same or similar type of brick as the existing. During this process not only would the brick roadway be replaced, but both the existing roadway profile and cross section deficiencies would be improved. In all areas of the brick roadway a granular sub-surface drainage system would be incorporated to primarily address the structural integrity of the brick system and secondarily address a portion of the storm sewer surface runoff. All edges of the

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brick street will be contained by either a newly installed concrete curb and gutter, newly installed concrete pavement, or an abutting existing street. In combination with the street pavement improvements, various off-street parking areas around the square would either be installed or replaced with concrete pavement. Additionally, all existing walkways installed between the back of curb and the front of the existing buildings around the outside perimeter of the courthouse square would be replaced with concrete complying with current ADA regulations. Concrete walks along both sides of the streets extending radially one block away from the main courthouse square would also be replaced with concrete sidewalks that maintain both a consistent location and width.

From visible reviews and records research, coal chutes exist below the walkways at several of the buildings surrounding the courthouse square. These coal chutes are no longer in use and have been filled in or abandoned over time by their respective building owners. During the walkway improvement process, each of the coal chutes would be exposed, observed for existing conditions, and then properly abandoned prior to placement of the new concrete walkways.

Similar to the coal chutes there is a series of underground storage vaults along one of the businesses at the northwest corner of 4th & Broadway Streets. These storage vaults are no longer in use and are in poor condition. During the walkway improvements process, each of the underground storage vaults would be exposed, observed for existing conditions, and then properly abandoned prior to placement of the new concrete walkway.

To properly address the significant elevation difference between the street and sidewalk along the west side of 3rd Street, South of Clay Street a newly installed retaining wall is planned. A similar situation exists in front of the City office building, which would be corrected by a combination ramp and retaining wall system complying with current ADA regulations.

Along with all of the surface pavement improvements, utility infrastructure improvements are planned due to their deteriorating condition and location under pavement. Replacement of the existing cobra style street lights, installed in the late 1980s located along the outside perimeter of the square, with period correct energy efficient street lighting would complement and match the lights currently located on the inside perimeter of the courthouse square. The proposed historic style lighting would both enhance the historic character of the district and reference (but not exactly replicate) the types of lights historically used in the square as identified through historic photographs. New storm sewer inlets would be placed at the southern end of both 3rd Street and 4th Street so the storm water surface drainage from the streets can be collected and directed into the existing buried storm sewer system. Currently, a newly installed water main is located under the pavement around the perimeter of the courthouse square. During the surface pavement improvements, new water services will be incorporated from the newly installed water main to the existing water service entrance at each of the current water customers. Also included with these water improvements will be the installation of fire hydrants and valves at various locations around the perimeter of the courthouse square. All utility improvements, excluding the water system, are considered participating. Although the water system improvements will not be funded by the project, they would be included during construction of the pavement improvements due to the proposed installation location.

Temporary pedestrian access would be required to maintain business access during construction. Construction would be phased so only one street at a time would be under construction. During this time, one street would be closed and a detour route posted that would avoid the historic square. The detour route would be north on 2nd St. and 5th St. to Jackson St. However, access to the square would be maintained via the other three streets that would not be under construction at that time. A copy of the project description is included as Enclosure 3.

Summary of 2015 Cultural Resources Investigations:

The majority of the City of Tecumseh was listed in the National Register of Historic Places (NRHP) in 1975 as the Tecumseh Historic District (1975 NRHP nomination, Enclosure 4). The brick streets within the commercial core of Tecumseh Historic District are a contributing structure to the district's NRHP eligibility. The Tecumseh Opera House was listed in the NRHP in 1988 and the Johnson County Courthouse Square was listed in the NRHP in 1989. An evaluation of the potential for cultural resources, both archeological and architectural /structural resources, has been completed in support of this project. The results of these evaluations are briefly

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summarized below. The complete reports are included as Enclosure 5.

Area of Potential Effects:

The area of potential effects (APE) for Section 106 purposes is defined at 36 CFR 800.16(d) as the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

The archeological APE for this undertaking was chosen to adequately identify any historic properties that, if present, may be potentially altered by this undertaking. The archeological APE for *direct* effects includes the area of proposed construction activities described in the project description; specifically, reconstruction of the existing brick streets and concrete walkways in the Tecumseh downtown commercial core, with possible ground disturbance up to a depth of 10 feet. There are no construction activities planned along the detour route or surrounding streets warranting their inclusion in the archeological APE.

The architectural APE for this undertaking encompasses an area including the downtown commercial core where the actual construction activities will take place as well as the streets surrounding the downtown core where the detour route will be located. Construction activities will be limited to the brick streets and sidewalks in the commercial core. No activities are planned for the surrounding neighborhood streets. As such the only potential impacts to the residential neighborhood will be caused by the detour route. Limited traffic and controlled construction will limit the detour routes to small portions of the project at any one time. It is anticipated that one-half to one block of the downtown brick streets will be under construction at a time. Specifically, the architectural APE for the Tecumseh Historic Square Preservation project includes a rectangular area bounded by the half block north of Jackson Street to the north, 6th Street to the east, the railroad tracks to the south, and 1st Street to the west. This includes the limits of construction and also identifies the detour route on the west, north, and east boundaries of the project (Enclosure 6).

Archeological Resources:

The archeological investigation completed in support of the Project did not identify any archeological historic properties within the APE. As a result of the archeological investigation, the APE was determined to have low potential to contain significant archeological resources as the APE has been disturbed through urban and residential development. However, the topographic setting is typical of those settings containing burials and other important site types in eastern Nebraska. Therefore, in 2015 NDOT recommended archeological monitoring for this project during the trenching for waterline improvements. The trenching for waterline improvements was previously completed by the City of Tecumseh in advance of the Project. Therefore, the trenching of waterlines has been removed from the Project and NDOT no longer recommends archeological monitoring be conducted. There are no archeological historic properties present within the APE.

Architectural/Structural Resources:

The architectural/structural investigation completed in support of the Project resulted in the identification of the Tecumseh Historic District within the APE. The Tecumseh Historic District includes the following properties: the Johnson County Courthouse Square (NRHP individually listed, 1990); the Tecumseh Opera House (NRHP individually listed, 1988); one-hundred and forty-one individual properties which contribute to the NRHP eligibility of the Tecumseh Historic District; and eight individual properties which do not contribute to the NRHP eligibility of the Tecumseh Historic District. The 2013 architectural/structural survey also indicated that the brick streets within the commercial core of the Tecumseh Historic District are a contributing structure of the district. The brick streets retain integrity of location, materials, craftsmanship, setting, feeling, and association. Lastly, the 2013 survey indicated that the subterranean coal chutes and vaults are not historic, but some of these features are located adjacent to historic properties. Located within the APE there is one NRHP listed historic district and two NRHP individually listed properties.

As the proposed project will affect architectural/structural historic properties identified within the APE, FHWA initiated Section 106 consultation with the Nebraska State Historic Preservation Office (SHPO) in April 2015. The 2015 consultation letter indicated that while proposed construction activities would affect the historic properties,

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the effect does not rise to the level of an adverse effect as the activities would not diminish the integrity or the characteristics which make these properties eligible for listing in the NRHP. Additionally, the project activities meet the Secretary of the Interior's Standards for Rehabilitation and will help ensure the continued use of these historic properties. The SHPO concurred with the NRHP eligibility recommendations and with the recommended project effects determination of *No Adverse Effect* on April 7, 2015. Please note that this consultation was completed with the understanding that as much old brick as possible would be used in the reconstruction of the brick streets surrounding the commercial core.

Summary of 2018 Consulting Party Meeting:

Upon receipt of the SHPO concurrence on a project effects determination of *No Adverse Effect* in 2015, NDOT was unaware of the existence of the Tecumseh Architectural Review Board and the Tecumseh Historic Square Committee. Section 106 consultation is being initiated with these parties to take into consideration the comments of the Tecumseh Architectural Review Board and the Tecumseh Historic Square Committee with respect to the current project. In order to initiate Section 106 consultation with the Tecumseh Architectural Review Board and the Tecumseh Historic Square Committee, a meeting with consulting parties was held in Tecumseh on September 12, 2018.

During the consulting party meeting, the members of the Tecumseh Architectural Review Board and the Tecumseh Historic Square Committee expressed frustrations and anxieties regarding the continued deterioration of the brick streets within the commercial core of the Tecumseh Historic District. Members of both parties expressed the desire for these brick streets to be reconstructed with brick pavers rather than the streets be paved with asphalt. The feasibility and potential challenges associated with reconstructing the brick streets with recycled existing brick was discussed during the meeting. Potential challenges discussed during the meeting include: the unknown number of recyclable brick pavers; the difficulties associated with sorting the recyclable brick pavers from the non-recyclable bricks pavers; and the unknown lifespan of the recyclable brick pavers. NDOT also expressed concerns regarding reconstructing the brick streets through a combination of recycled brick pavers and new brick pavers.

As a result of the consulting party meeting it was decided that the existing deteriorated brick pavers within the commercial core will be removed and the streets will be constructed with new brick pavers. Notes from the September 2018 consulting party meeting are included for reference in Enclosure 7.

2019 Project Effects Determination:

The Tecumseh Historic Square Preservation project will affect the Tecumseh Historic District. The deteriorated paved surface of the commercial core of the historic district will be an in-kind replacement using new brick pavers. This in-kind replacement meets the Secretary of the Interior's Standards for Rehabilitation in that, to the extent possible, the new brick pavers will match the old brick pavers in "design, color, texture and, where possible, materials" (Standards for Rehabilitation, #6 <https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm>). When completed according to the Standards for Rehabilitation, the rehabilitation of the historic brick streets does not rise to the level of an adverse effect as defined at 36 CFR 800.5. The 2015 SHPO concurrence letter stated that the crosswalks within the commercial core of the historic district will be constructed of concrete. However, during the 2018 consulting party meeting the consulting parties requested that the crosswalks within the commercial core of the historic district be constructed out of brick. Therefore, the crosswalks within the commercial core of the historic district will be constructed of brick. The crosswalks will be constructed in such a way to meet all ADA requirements. Post construction, the Tecumseh Historic District will be readily recognizable as an exceptionally fine example of a nineteenth century, rural, county seat in Nebraska.

Underground Vaults and Coal Chutes

The underground vaults and coal chutes located within the historic district do not contribute to the significance of the historic district. In some cases, these features are adjacent to historic buildings. The underground vaults and coal chutes will be filled in using flowable fill to maintain structural stability of the new sidewalk. This sand and cement mixture will fill the void without mechanically compacting the material and maintaining the structural stability of the adjacent buildings. During the design process, if the flowable fill method is determined to be an additional loading that cannot be supported by the current wall condition; supplemental supports/bracing will be permanently

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installed. The underground vaults and coal chutes may also have associated openings in the foundations and/or walls of historic buildings. These openings will be filled to stabilize the foundation and/or wall prior to reconstruction of the sidewalks. The methodology used to fill the opening will follow the Secretary of the Interior Standards for Rehabilitation. Specifically, in-kind materials will be used, and the materials will match the hardness of the existing mortar to avoid unnecessary future damage to the buildings, while also stabilizing the walls. While these activities will affect historic properties, adherence to the Secretary of the Interior's Standards for Rehabilitation ensures that they do not rise to the level of an adverse effect as defined at 36 CFR 800.5.

While work to fill underground vaults and coal chutes and any associated openings is completed, temporary easements may be needed to gain access to the interior spaces of historic buildings. The temporary easements will be of short duration and will only include areas needed to complete the work of filling in the underground vaults and coal chutes. These temporary easements will not affect historic properties.

Other Project activities include removing and rebuilding the existing concrete sidewalks to meet current design standards. An historic exterior light well with its railing and grate and an exterior stair with railing at the Ellsworth Building (398 Broadway) will be retained and re-used as part of this project. The new sidewalk will maintain the same physical relationship and transition between the termination of the sidewalk and the brick walls of the buildings. Finally, the Project will install new lighting that will match the historically appropriate lighting already in use at the historic Courthouse Square. While these activities will affect the historic properties, they do not rise to the level of an adverse effect as defined at 36 CFR 800.5.

There are no project activities proposed within the boundaries of the Johnson County Courthouse Square, and there will be no improvements to the detour route for use as a detour. Construction will be phased and the detour route will not experience an increase in the amount and type of traffic that warrants concern regarding vibratory or auditory affects to the historic properties.

In order to ensure historic properties are not adversely affected, the following commitments will be made in the National Environmental Policy Act (NEPA) document:

1. To the extent possible, new brick used to repave the commercial core of the historic district will match the color and configuration of the existing brick. SHPO, the Tecumseh Architectural Review Board and the Tecumseh Historic Square Committee will be afforded an opportunity to review a sample of brick pavers prior to final selection.
2. The light well and the exterior stair at the Ellsworth Building (398 Broadway) shall be retained and re-used as part of the sidewalk reconstruction. The light well with its railing and grate, as well as the exterior stair and its railing would be carefully removed by the contractor prior to construction and safely stored within a secure area owned by the City of Tecumseh. These items would be clearly labeled "Do Not Dispose". The contractor would be responsible for reinstallation of these elements.
3. The contractor shall be responsible for filling each underground vault or void discovered during the construction process using flowable fill. A sand and cement mixture, the flowable fill will fill the void without mechanically compacting the material. During the design process, if the flowable fill method is determined to be an additional loading that cannot be supported by the current wall condition; supplemental supports/bracing would be permanently installed.
4. Underground vaults and coal chutes which have associated openings in the foundations and/or walls of buildings shall be filled to stabilize the foundation and/or wall. The methodology used to fill the opening shall follow the Secretary of the Interior Standards for Rehabilitation (<https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm>). Specifically, in-kind materials shall be used, and the materials shall match the hardness of the existing mortar to avoid unnecessary future damage to the buildings.
5. SHPO shall be afforded an opportunity to review project construction plans at 90%.

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Mr. S. Mercure – CN 13214, *Tecumseh Historic Square Preservation*
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This undertaking has been reviewed under the programmatic agreement entitled Programmatic Agreement Among the Federal Highway Administration, the Nebraska State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Nebraska Department of Roads to Satisfy the Requirements of Section 106 for the Federal Aid Highway Program in the State of Nebraska (July 2015), as amended, and meets the requirements to be considered a Tier III project. This Tier III Project will result in a project effects determination of *No Adverse Effect*.

NDOT invites the Tecumseh Architectural Review Board and the Tecumseh Historic Square Committee to review and comment upon the enclosed documentation within 30 days of receipt of this letter. NDOT respectfully requests the comment of both parties with regard to the NRHP eligibility recommendations and the project effects determination. If there are any questions or comments please do not hesitate to contact me directly at the information provided below. Once your comments have been received, NDOT will reinitiate consultation with SHPO, detailing the results of these consultation efforts.

Sincerely,



Katie M. Turner
NDOT Cultural Resources Manager/Section 106 Specialist
Katie.turner@nebraska.gov
(402) 479-3514

Enclosures

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by NDOT pursuant to 23 USC 326 and the Memorandum of Understanding dated September 5, 2018, and executed by FHWA and NDOT.

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Record of Telephone Conversation

Project No:	ENH-49(46)	Date:	4/22/2019
CN:	13214		
Project Name:	Tecumseh Historic Square Preservation		
Person Who Called or Who Was Called:	Mr. Steven Mercure, Tecumseh Architectural Review Board and Tecumseh Historic Square Committee		
NDOT PQS / Representative	Katie M. Turner		
Description of Conversation:	<p>NDOT PQS Katie Turner called Mr. Steven Mercure on April 22, 2019 to inquire if he or any of the other members of the Tecumseh Architectural Review Board and the Tecumseh Historic Square Committee (the parties) had any questions or concerns regarding the Section 106 consultation materials regarding the above referenced project provided to the consulting parties on March 12, 2019. Mr. Mercure indicated that neither he nor any other of the other members of the Tecumseh Architectural Review Board and the Tecumseh Historic Square Committee had any questions or concerns regarding the Section 106 consultation materials regarding the above referenced project. Additionally, Mr. Mercure stated that none of the members of the parties had any questions or concerns pertaining to the above referenced project. Mr. Mercure stated that both parties are pleased with the above referenced project and look forward the project's completion</p>		