

CORRECTED 8-1-18

STATE OF NEBRASKA

Minutes of the
Board of Public Roads Classifications and Standards

May 19, 2017

Nebraska Department of Roads'
Central Headquarters Building Auditorium, Room 139A
1500 Highway 2, Lincoln, Nebraska

Meeting and Hearings Notices:

- Statewide news release emailed and posted on Nebraska Department of Roads' website May 12, 2017.
- Event posted on the State of Nebraska website (Public Meeting Calendar) May 12, 2017.
- Tentative agenda emailed to each board member and interested persons May 12, 2017.
- Meeting agenda kept current and on public display in Liaison Services Section, Room 123B, Nebraska Department of Roads, 1400 Highway 2, Lincoln, Nebraska.
- Meeting agenda posted in the main entrance of the Nebraska Department of Roads' 1500 Highway 2 building, May 19, 2017.
- Relaxation of Standards hearing notice emailed to Otoe County and City of Omaha, May 15, 2017.

Board members present:

Roger Figard, Lincoln, Chairman
James A. Litchfield, Wakefield, Vice Chairman
LeRoy G. Gerrard, Stromsburg
Barbara Keegan, Alliance
John F. Krager, Omaha
Lisa Kramer, Kennard
Timothy W. Weander, Omaha
Edward R. Wootton, Sr., Bellevue

Board members absent:

Mick Syslo, Lincoln
Darold E. Tagge, Holdrege
David Wacker, Hastings

Staff members present:

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

Others in attendance:

Jodi Gibson, Materials and Research Division, Highway Local Project and Research Administration, NDOR, Lincoln
Mark Christiansen, Dawson County Highway Superintendent
Katie Christiansen, Dawson County
Phil Rossbach, HDR, Inc., Omaha, for the City of Omaha
Mark Mainelli, Mainelli-Wagner Associates, for Otoe County
Josh Keithley, Mainelli-Wagner Associates, for Otoe County
Nathan Sorben, Roadway Design, Nebraska Department of Roads
Mike Owen, Roadway Design, Nebraska Department of Roads
Jim Wilkinson, P.E., Yankee Hill Solutions, LLC, Lincoln, NE

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Chairman Figard called the meeting to order at 9:00 a.m. The meeting was open to the public.

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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.

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

Added: Discuss need for Annual Outstate Meeting

Added: Local Officials' Workshops Fall 2017.

Additional: 2016-2017 Annual Reports received, reducing the number of delinquent municipal reports to two (2).

Additional: 2017 One- and Six-Year Plans received, reducing the number of delinquent municipal plans to five (5).

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Mr. Wootton moved to approve the April 21, 2017 meeting minutes. Ms. Kramer seconded the motion. Members Keegan, Krager, Kramer, Litchfield, Weander, Wootton and Figard voted YES. Member Gerrard abstained. Members Syslo, Tagge and Wacker were absent. The motion carried.

* * * * *

The board considered the status of the submission of the 2016 – 2017 Standardized System of Annual Reports.

- A total of 93 County, 527 Municipal and the Nebraska Department of Roads' Reports have been received.
- A total of 93 County, 524 Municipal, and Nebraska Department of Roads' Reports were accepted at previous meetings.
- Three (3) Municipal reports are being held pending review: Central City, Omaha, and Steele City.
- Two (2) Municipalities have not submitted a Report: Harvard and Maskell. The reports have been delinquent since January 1, 2017. Highway Allocation Funds are under suspension beginning with the May distribution. Currently in the first month of suspension. (*See Attachment #1, Letter of Suspension- Harvard and Maskell.*)

Mr. Wootton moved to accept the Status Report of the Standardized System of Annual Reports for 2016 – 2017, as presented. Ms. Kramer seconded the motion. Members Gerrard, Keegan, Krager, Kramer, Litchfield, Weander, Wootton and Figard voted YES. Members Syslo, Tagge and Wacker were absent. The motion carried.

* * * * *

The board considered the status of the submission of the 2017 One- and Six-Year Plans.

- Eighty-Nine (89) County and 524 Municipal Plans have been received.
- Eighty-three (83) County and 518 Municipal One-and Six-Year Plans were accepted at previous meetings.
- Six (6) County One- and Six-Year Plans are being held pending review: Cheyenne, Furnas, Lancaster, Loup, Madison and Seward.
- Six (6) Municipal One- and Six-Year Plans are being held pending review: Farwell, Omaha, Platte Center, Seward, Whitney and Winslow.
- Five (5) Municipalities have not submitted a Plan: Harvard, Maskell, Naper, Roca and Table Rock. The Plans have been delinquent since March 2, 2017. The municipalities have been notified of the delinquency.

Mr. Wootton moved to accept the Status Report of the 2017 One- and Six-Year Plans as presented. Mr. Krager seconded the motion. Members Gerrard, Keegan, Krager, Kramer, Litchfield, Weander, Wootton and Figard voted YES. Members Syslo, Tagge and Wacker were absent. The motion carried.

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Mr. Litchfield moved to suspend Highway Allocation Funds to Harvard, Maskell, Naper, Roca and Table Rock, in accordance with Neb. Rev. Stat. Sec. 39-2119, if the reports are not received by May 31, 2017. Mr. Krager seconded the motion. Members Gerrard, Keegan, Krager, Kramer, Litchfield, Weander, Wootton and Figard voted YES. Members Syslo, Tagge

and Wacker were absent. The motion carried. *(Suspension of Highway Allocation Funds began with the June distribution.) (Notification letters were sent May 22, 2017. Harvard (rec'd 5-23-17), Naper (rec'd 5-19-17), and Roca (rec'd 5-31-17) averted suspension by submitting a report.) (See Attachment #2, Letter of Notice - Maskell & Table Rock.)*

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The board considered the Village of Creston One- and Six-Year Plan revision adding Municipal Work/Project No. M-225(44) to the 2017 One-Year Plan. A copy of Revised Resolution adopted April 24, 2017, was received from the appointed Street Superintendent on May 1, 2017. No one was present to present the request.

Work/Project No. M-225(44) consists of Work Type N&R, concrete surfacing on a Local street. The estimated cost is \$78,000 (City Funding).

Mr. Wootton moved to accept the Village of Creston revision. Mr. Litchfield seconded the motion. Members Gerrard, Keegan, Krager, Kramer, Litchfield, Weander, Wootton and Figard voted YES. Members Syslo, Tagge and Wacker were absent. The motion carried.

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The board considered the Dawson County One- and Six-Year Plan revision adding County Work/Project No. C-24(345)B to the 2017 One-Year Plan. A copy of a County Resolution No.13, adopted May 1, 2017, was received on May 10, 2017. Mr. Christiansen presented the request.

Work/Project No. C-24(345)B consists of Work Type Maintenance, Cold in-place recycling with double chip seal on an existing asphalt surfaced Other Arterial road. The estimated cost is \$1,500,000 (County Funding).

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

* * * * *

The Board considered the Pawnee County One- and Six-Year Plan revision adding County Work/Project No. C-67(248) to the 2017 One Year Plan. A copy of County Resolution No. 17-11, adopted May 9, 2017, was received on May 10, 2017.

The Work/Project consists of Work Type N&R, replace bridge with culvert on a Local county line road (Gage County Work/Project No. C-34(1090)). The Drainage Study is pending. The estimated cost is \$50,000 (funding source not specified). No one was present to present the request.

Mr. Wootton moved to accept the Pawnee County revision, contingent upon the completion of the drainage study. Ms. Keegan seconded the motion. Members Gerrard, Keegan, Krager, Kramer, Litchfield, Weander, Wootton and Figard voted YES. Members Syslo, Tagge and Wacker were absent. The motion carried. *(Note: Gage County Work/Project No. C-34(1090) is listed on the Gage County One-Year Plan.)*

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At 9:28 a.m., the Board heard the Otoe County request for Relaxation of Minimum Design Standards for County Work/Project No. C-66(599). *(The hearing was held in an informal format, Otoe County having declined the option of a formal hearing.)* The request is for a Relaxation of the 428 NAC 2-001.03J, New and Reconstructed – County Road – Design Speed, as specified in its May 9, 2017 letter. The Drainage Study is pending. Mr. Mainelli and Mr. Keithley presented the request. No one appeared in opposition. The hearing concluded at 9:38 a.m. The Board considered the request.

Mr. Gerrard moved to grant the Otoe County Relaxation request in whole, in view of the peculiar, special or unique local situation presented, whereby the application of a specific Minimum Design Standard would work a special hardship. Mr. Wootton seconded the motion. Members Gerrard, Keegan, Krager, Kramer, Litchfield, Weander, Wootton and Figard voted YES. Members Syslo, Tagge and Wacker were absent. The motion carried with the requisite majority vote.

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At 9:42 a.m., the Board heard the City of Omaha request for Relaxation of Minimum Design Standards for Project No. BR – 5026(11), C.N. 22325, Omaha Project M-465(651F). *(The hearing was held in an informal format, the 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 – Sag K Value, as specified in its May 18, 2017 letter, and submitted with City of Omaha Resolution No. 588, adopted May 2, 2017 and received May 18, 2017. Mr. Rossbach presented the request. **NDOR approved the request.** No one appeared in opposition. The hearing concluded at 9:56 a.m. The Board considered the request.

Mr. Weander moved to grant the City of Omaha Relaxation request in whole, in view of the peculiar, special or unique local situation presented, whereby the application of a specific Minimum Design Standard would work a special hardship. Mr. Wootton seconded the motion. Members Gerrard, Keegan, Krager, Kramer, Litchfield, Weander, Wootton and Figard voted YES. Members Syslo, Tagge and Wacker were absent. The motion carried with the requisite majority vote.

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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. Mr. Schulz and Mr. Smith will provide the board with a short presentation at the next NBCS meeting on the most current OneAndSix Year Plan and SSAR Interim Forms and instructions. The same information will be presented at the upcoming June summer meeting of the Highway Superintendent's in Grand Island.

* * * * *

Other business:

- There was no Legislative Report.
- Discussion of 2017 Proposed Work Plan. Chairman Figard has a strategic plan in draft form; however, it is not ready to be released. His goal over the next two weeks (and prior to the June, NBCS meeting) is to review the draft with Jodi Gibson and NDOR Director Schneweis.

Discussion of Date/Location for Annual Outstate Meeting and Regional Workshop for Local Officials. Members were asked to provide suggestions at the June 16, 2017 NBCS meeting.

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Mr. Schulz reported the following correspondence and general information.

- Board members received a copy of a NDOR news release: *New Highway and Street Superintendents Licensed.*
- Board members received a copy of the *Board of Examiners for County Highway and City Street Superintendents April 7, 2017 meeting minutes.*
- Pocket Guide: A pocket-sized reference guide is being developed by Mr. Wilkinson, summarizing the new requirements of the minimum standards. A county highway or city street superintendent can take the guide to a board meeting or on the road. The guide is still in the development stage.

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There were no Comments from the Audience.

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The next regular meeting will be held June 16, 2017 at 9:00 a.m., in the Nebraska Department of Roads' Central Headquarters Building Auditorium, Room 139A, 1500 Highway 2, Lincoln, Nebraska.

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There being no further agenda items, Chairman Figard adjourned the meeting at 10:14 a.m.

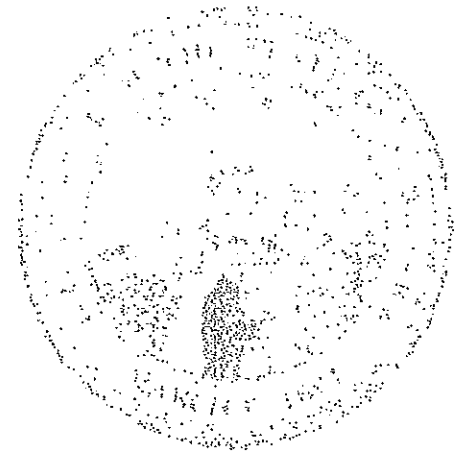
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LeMoyne D. Schulz
Secretary for the Board
<http://www.transportation.nebraska.gov/gov-aff/gov-aff-main.html>

NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF ROADS May 1, 2017



Pete Ricketts, Governor

Mr. Don Stenberg
Nebraska State Treasurer
Rm 2003 State Capitol
Lincoln NE 68509

Dear Mr. Stenberg:

The Board of Public Roads Classifications and Standards, at their regular meeting April 21, 2017, voted to request that you suspend distribution of Highway-User Revenue to the City of Harvard for failure to submit the Standardized Annual Road, Street and Highway Program Financial and Budget Report for 2016-2017.

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 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.

The Board of Public Roads Classifications and Standards respectfully requests that Highway-User Revenue distribution to Harvard be suspended, commencing with the next monthly disbursement, until the report is filed. The Board will advise you at such time as the report has been filed.

Sincerely,

LeMoyne D. Schulz
Secretary for the Board

LDS/G1-LL2

xc: Pete Ricketts, Governor
Harvard Mayor and City Council
Kevin Prior, City of Harvard Street Superintendent
Kyle Schneweis, Nebraska Department of Roads
Teresa Kuper, Nebraska Department of Roads
File

Kyle Schneweis, P.E., Director

Department of Roads

Board of Public Roads Classifications and Standards
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Roger A. Figard
Lincoln

LeRoy G. Gerrard
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Barbara J. Keegan
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John F. Krager, III
Omaha

Lisa Kramer
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James A. Litchfield
Wakefield

Mick Syslo
Lincoln

Darold E. Tagge
Holdrege

David L. Wacker
Hastings

Timothy W. Weander
Omaha

Edward R. Wootton, Sr.
Bellevue

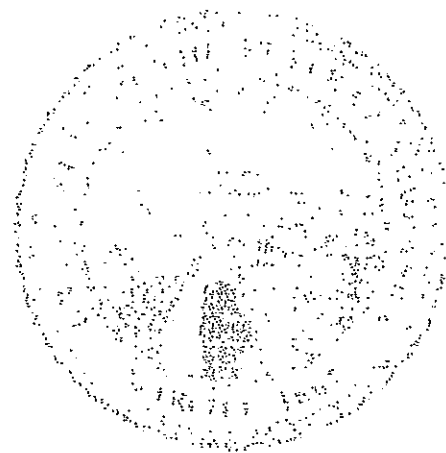
LeMoyne D. Schulz
Secretary - ex officio

Attachment No. 1
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NEBRASKA

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DEPARTMENT OF ROADS May 1, 2017



Pete Ricketts, Governor

Mr. Don Stenberg
Nebraska State Treasurer
Rm 2003 State Capitol
Lincoln NE 68509

Dear Mr. Stenberg:

The Board of Public Roads Classifications and Standards, at their regular meeting April 21, 2017, voted to request that you suspend distribution of Highway-User Revenue to the Village of Maskell for failure to submit the Standardized Annual Road, Street and Highway Program Financial and Budget Report for 2016-2017.

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 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.

The Board of Public Roads Classifications and Standards respectfully requests that Highway-User Revenue distribution to Maskell be suspended, commencing with the next monthly disbursement, until the report is filed. The Board will advise you at such time as the report has been filed.

Sincerely,

LeMoyne D. Schulz
Secretary for the Board

LDS/G1-LL1

xc: Pete Ricketts, Governor
Maskell Village Board
Keith Gilmore, Village of Maskell Street Superintendent
Kyle Schneweis, Nebraska Department of Roads
Teresa Kuper, Nebraska Department of Roads
File

Kyle Schneweis, P.E., Director

Department of Roads

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Lisa Kramer
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James A. Litchfield
Wakefield

Mick Syslo
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Holdrege

David L. Wacker
Hastings

Timothy W. Weander
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Edward R. Wootton, Sr.
Bellevue

LeMoyne D. Schulz
Secretary - ex officio

Attachment No. 1
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NEBRASKA

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DEPARTMENT OF ROADS

May 22, 2017

Maskell Village Board
c/o Jennifer Olson, Maskell Village Clerk
203 Walnut Street

Maskell NE 68751

Dear Village Board Members:

The Board of Public Roads Classifications and Standards, at their regular meeting on May 19, 2017, voted to request that the State Treasurer suspend distribution of Highway-User Revenue to the Village of Maskell for failure to submit the Annual One- and Six-Year Street Improvement Plan for 2017, if the plan is still outstanding on June 1, 2017.

The penalty provision of 39-2119 Nebraska Revised Statutes provides that if any county or municipality fails to file such plan on or before March 1 of each year, 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 plan 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 31, 2017, 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/BPR9-ZW2

xc: Keith Gilmore, Maskell Street Supt.
File

Kyle Schneweis, P.E., Director
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Attachment No. 2
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NEBRASKA

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DEPARTMENT OF ROADS

May 22, 2017

Table Rock Village Board
c/o Stefanie Rauner, Table Rock Village Clerk
PO Box 123
Table Rock NE 68447

Dear Village Board Members:

The Board of Public Roads Classifications and Standards, at their regular meeting on May 19, 2017, voted to request that the State Treasurer suspend distribution of Highway-User Revenue to the Village of Table Rock for failure to submit the Annual One- and Six-Year Street Improvement Plan for 2017, if the plan is still outstanding on June 1, 2017.

The penalty provision of 39-2119 Nebraska Revised Statutes provides that if any county or municipality fails to file such plan on or before March 1 of each year, 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 plan 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 31, 2017, a letter will be sent to State Treasurer Don Stenberg requesting suspension of Table Rock's monthly allocation from that point forward.

Sincerely,



LeMoyne D. Schulz
Secretary for the Board

LDS/BPR9-ZW5

xc: Barbara Keegan, Table Rock Street Supt.
File

Kyle Schneweis, P.E., Director

Department of Roads

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Attachment No. 2

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