

CITY OF MILFORD
SPECIAL MEETING
AUGUST 9, 2018

A special meeting of the Mayor and City Council of the City of Milford, Nebraska was held at the Fire Station, 612 First Street in said City on the 9th day of August 2018 at 7:00 pm. Present were: Mayor Nick Glanzer; Council members: Jeff Baker, Scott Bashore, Patrick Kelley, Dan Kral; Chief of Police Forrest Siebken, Maintenance Supt. Gary TeSelle, and City Clerk Jeanne Hoggins. Public attendance roster is attached.

Notice of the meeting was given in advance thereof by posting in three public places; a designated method for giving notice, as shown by the Certification of Posting attached to these minutes. Notice of this meeting was given to the Mayor and all members of the Council and a copy of their acknowledgement of receipt of notice and the agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

CALL TO ORDER: Mayor Glanzer called the meeting to order at 7:00 pm. Mayor Glanzer publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act is available for review and is posted on the south wall of the Fire Station meeting room.

Mayor Glanzer announced that the meeting is being recorded for educational purposes.

Education of Trail System: Julie Ogden with JEO, residing at 142 West 11th Street, Wahoo, NE presented an education piece on trails in general and the process of applying for the TAP Trail. The Transportation Alternative Program is part of the Federal Transportation bill. Previous Federal bills had two separate funding sources for projects; one was Transportation Enhancement (focused on trails) and Safe Routes to School (allows communities to improve their routes to schools). The city applied for the grant in 2016 and their application was for a 10' wide trail going from SCC along Elm St. to First Street, running along First St. to the Elementary School. The application was applied for not only as a trail project but also a safe route to school project. The Master Trail Plan was approved in January in 2015. Julie explained a few adjustments to the Master Trail Plan Phase I, as approved, and the plan submitted with the applications. Those changes were moving the trail from the north side by the RR tracks to the south side of First Street, as the RR would not grant an easement for that area. The second proposed change was crossing First Street between the Elementary School and Crestview. It was moved to F Street as there is already a 4-way

stop at that intersection. As the City engineer, when working on any grant application, they want to make sure their costs are conservative in nature. They did not want to low-ball the application to make sure all potential costs are accounted for. The general practice when designing trails is to minimize impact to the natural environment as much as practical. This would include tree removal, front yards and driveways. They would evaluate the route to ensure it is being placed in the most appropriate location. If the Council decides to move forward with the federal funding agreement the City and NDOT would work together to select a design engineer. A topographic survey would be completed. An environmental review process including tree removal and threatened or endangered species would be considered. During this design phase there will be a public outreach session for comments which would go on the record of the project. Once all of these steps are completed, the environmental clearance document is submitted to the State and Federal Government for review. If everything is in order, they will sign off on it. Final Design does not begin until the clearance has been provided. Thru the environmental process, they are looking at all practical design alternatives. One of the alternatives is called a “no build alternative”, which includes public comment. If the City and Federal entities agree that the project should not proceed then the City would need to pay their 20% of costs incurred at that point and the project would be considered complete. Communication will continue through-out the project, if the City would decide to move forward with it. Steps that would follow include: Final Design, Bid letting and then construction. Based on past projects, the earliest she would anticipate this project being under construction would be 2022.

Public Comments toward the Master Trail Plan: Mayor Glanzer announced each person will be allowed 3 minutes to speak. Shared minutes will not be allowed. He asked that we stay on topic and be considerate. The following individuals spoke:

Charlie Pierce, 207 N. E St.; spoke against the trail. He read his letter that was published in the Milford Times, attached. Opposed to removing 41 mature trees to build a 10’ trail.

Becky Wingard, 909 1st Street; spoke against trail. Why 10’? One lane of a highway is 11’. Huge liability with the LPA Agreement. What happens when federal funds are gone? Safety of our citizens in the business area? Condemnation of property is mentioned in the application – city can take property.

Kellie Keib, 202 4th Street; Spoke against trail. Endanger families, good place for crime, drug dealers and theft. Property values will decrease with those effected with the trail in their yards. Raise taxes. Who is responsible for the bike path? If a person is injured who would be responsible?

Jody Kunze, 320 N. F Street; Spoke against trail. Handicap accessibility with motorized scooters and carts able to use the trail? Why not use the funds to repair the sidewalks? Provide safety classes for kids on sidewalk education and stranger danger.

Kevin Keib, 202 4th Street; Spoke against trail. Going right through his front yard. Why 10' wide? Questions on easement, does this then make it a 13' trail?

Keith Lile, 717 1st Street; Spoke against trail. Safety of children, moving the trail closer to the street, how does this help with the safety of our children? Where does the money come from with the state/city runs out of funds for the project.

Kelly Hesar, 919 1st Street; Spoke against trail. Several legalities that have not been expressed, the City is responsible for accidents on the trails. Where is the trail going to be productive for the City? City should be focusing on the sidewalks needing improvement and the drainage issues on North F. Those being effected by the trail should have been notified about the project sooner. Additional run off of the surface.

Mike Moritz, 306 N. Welch Park Road; Spoke against trail. Agreement for free money and no one really knows what the outcome will be. Railroad is a dangerous area, they closed it because they don't want anyone out there.

Kevin Wingard, 909 1st Street; Spoke against trail. Speaking as a citizen. Did have a letter of support for the Safe Routes to School and the trail project. Signed letter of support not knowing the details of the project. Moving the trail 3' from the curb saves the trees but doesn't do much for the safety of the children. In favor of sidewalks and safe routes to school, but not in support of putting a 10' sidewalk through someone's front yard.

Stu Schweitzer, 101 S. E Street; Spoke against trail. Don't want kids having to play on the trail vs. playing on a side walk and worry about them getting run over by a bike. Over 150 signatures against the trail plan.

Don Yeackley, 743 1st Street; Spoke against trail. Free money isn't free money, it came from somewhere. Can do a lot of things to this town for 8 million dollars.

Dean Rosenthal, 820 1st Street; Spoke against trail. Comments regarding highway where the state pays the city to take care of the highway. City staff does not have enough time or employees to take care of this. You are looking to add more time and equipment to take care of this trail. Need community support to make this work. Current sidewalk takes care of pedestrian traffic. Need sidewalks in other areas to keep the kids off of the streets. Most other trails are not 10' wide.

Donna Havener, 720 6th Street; Spoke against trail. Speaking on behalf of Kiwanis. In the meeting when Jeff presented this to Kiwanis we agreed to a letter of support for the safe routes to school. Kiwanis thought this route was

to be on the outlying areas of Welch Park and South Park, not running down main street.

Kathy Eberly, 303 2nd Street; Spoke against trail. College students walking through her yard, they don't care about a sidewalk. They do not want people walking in their yards or people taking trees down on Maple Street. They don't see many college students utilizing a bike trail.

Jason Maple, 201 S. F Street; Spoke against trail. Does not live on the path. Biggest concern is the safety aspect, especially if it is 3' off of the street. Kids push and shove, one of the kids will end up in the street. Works at hospital and areas of their trail are not well lit and deal with security issues.

Patrick Sheldon, 315 S. Elm Avenue; Spoke against trail. Will lose all of the trees planted after the '57 tornado, 50+ years of growth. Countless areas do not have sidewalks or areas need that need to be repaired. If we are going to spend money spend it on the things that we don't have, sewer up grades.

Gerry Dunlap, Lincoln NE; Spoke against trail. A lot of good reasons to oppose the trail. Hand vote to show how many in attendance are against the walking trail.

Dave Miller, 303 S. B Street; If you ask a citizen if they are for or against the proposed trail plan many, say we want a trail just not going down First Street. Likes the idea of a walking trail but has questions. Make decisions based on facts. Do we know exactly how many trees we are going to lose? Plan states they will try to save as many mature trees as possible. How wide will the trail be? What is the right of way, what is an easement and who has the authority to make these decisions? In favor of an overall walking trail or bike path but can't make an educated vote until I have answers.

Kathleen Nowotny, 611-252nd; Spoke against trail. Opposed to anyone taking away any more of their land.

John Melena, 210 S. Welch Park Road; Spoke against trail.

Response to public comments/concerns: Julie wrote down some of the questions and she addressed them at this time. Federal funds being pulled: Her understanding of this section is; as long as we follow the program policies, rules and regulations that clause does not come in. If NDOT sees a concern, they bring it to our attention and we work through it. The last thing they want to do is drop the bomb and leave the City holding the bag. Condemnation: If the City would have to go this route, it would only be for the portion needed for the project, not the entire property. Maintenance of the Trail: This is the responsibility of the City as per the agreement including repairs and snow removal. Motorized Scooters and Wheelchairs: These are allowed on trail systems, which is a part of the ADA laws and regulations. The new trail is required to meet the ADA requirements. Local contractor: The project will be bid by NDOT thru their process. It's open to any contractor within the State as long as they fill out the paperwork to be on the

States bidder list. Safety Program to walk to School: Safe Routes to School website has a page of tips/hints/fliers/programs that can be implemented in schools. Lighting: Was not included in the initial application. The thought process of moving it closer to the street, the reflective lights from the current street lights would provide lighting but this could be evaluated during the process. How many trees will be removed: Julie could not give an exact number. The proposed trail is 10' wide, which is the recommended width for trails from the trail design guidance. They can be 8' wide which is a potential moving forward. What is right-of-way: Right-of-way is generally used in reference to street or county roads. It is the property where the road sits with additional width for future widening. It is owned by the city. The city can obtain easements: Permanent Easement: generally used for utilities or Temporary Construction Easement: only used during construction of the project. The street R.O.W cannot move with compensation to the owner.

Do we have to separately apply for each phase of the trail: A separate application would be needed if additional federal funding would like to be considered. Just because Phase I received federal funding does not mean you would get federal funding for the rest of the phases. With bidding going thru NDOT is it policy to take the low bid: Yes, as long as that bidder is qualified. Will the driveway be replaced and will the homeowner be reimbursed for the sidewalk that is removed: The proposed plan includes removing the current sidewalk. With current parking permitted and approved by the city, provisions will be made to relocate parking. Parking pads may be considered. Sprinklers: Either the contractor moves and replaces them or they cap the system and the city would need to determine a standard on reimbursement. Elm Street has a gas substation to consider as well as all the poles that will need to be removed. These are all additional expenses that the city did not consider: City owned utilities needing to be relocated are project expense included in the cost estimate. (Poles, natural gas may be moved at no cost, due to a project, if stated in the franchise fee with the city). Tree Removal: If the tree is in the city R.O.W. and needs to be removed, no one is compensated for that removal. If the tree is on private property then the owner would be compensated for the value based on an appraisals opinion. If the "no build" is determined, how far is the City into the project and what will be their cost: The current engineering budget is around \$210,000.00 so 20% would be \$40,000.00.

Additional comments: *No appraisals are done on property unless an easement would need to be obtained. *How will the city foot the bill for the additional maintenance and patrol by the police? Maintenance Dept. can't keep up with Hwy 6 now. *Property owners are still responsible for mowing R.O.W. but if a panel on the trail breaks, the city would

replace/repair it. *Property liability – City’s responsible only if the injured party can show negligence.

Kral wanted clarification regarding section 15.2 (e) whenever the project is terminated for any reason, the City shall (a) repay State all federal-aid funds that have been expended for the project and (b) pay State for all of State’s cost associated with the project that have not been reimbursed under 5.(a). Further, the City will thereafter be solely responsible for all costs associated with the City’s project. It doesn’t say 20% it states all funds. Julie – In her experience if we get to a “no-build” recommendation of the environmental document, at the approval level, this would be considered completion of the project not termination. Kral – that statement is not in this agreement and asked if there would be a subsequent agreement.

If Phase I doesn’t happen can the other Phases be considered? Yes, just not with the present funding.

Kelly Heser asked what they needed to do to secure that this item be placed on the November ballot. A Resolution would need to be passed by the Governing Body and submitted to the County Clerk by September 4, 2018.

Kelly Heser approached the head table and presented petitions with over 150 people’s signature against the trail.

Mayor Glanzer announced that a special meeting is already being held on August 22, 2018 and we will add the Trail Item to that agenda. The Trail agenda item will not be discussed any sooner than 6:00 pm.

ADJOURNMENT: A motion was made by Kral and seconded by Bashore to adjourn the meeting. Roll call vote: Kral yes, Bashore yes, Baker yes, Kelley yes. Motion carried and meeting adjourned at 9:07 pm.

Jeanne Hoggins, City Clerk

Mayor, Nick Glanzer

CERTIFICATION

I, the undersigned, City Clerk of the City of Milford, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council of August 9, 2018 that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted

were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

(SEAL)

Jeanne Hoggins, City Clerk