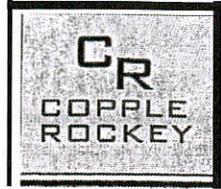


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January 22, 2016

VIA ELECTRONIC MAIL

Mr. Lowell Johnson
City Administrator
306 Pearl Street
Wayne, NE 68787

Re: *City of Wayne - Phase II Trail System Project*
Our File No. 615231

Dear Lowell:

It is our understanding that questions for the meeting scheduled for Sunday, January 24, 2016, should be submitted in writing. Our clients, including residents of the Westwood neighborhood and the Johnsons, request answers to the following questions:

1. What routes for the Phase II project have officially been submitted to the Department for approval?
 - A. On Westwood Road & Sherman Street as painted lines
 - B. On the terrace along Westwood Road & Sherman Street
 - C. Along the farm ground north of the neighborhood
 - D. Stopping at Westwood & Sunset Drive
 - E. Stopping at Beverly Park
 - F. Going west to Bomgaars, north a mile, east a mile, and south to WSC
 - G. Stopping at CAC

2. Has the trail route for Phase II changed from the master plan from 2003?

Yes. The master plan showed it going on the farm ground.

3. Is the trail wide enough to accommodate two-way pedestrian and bicycle traffic?

Yes. It's the same width as the existing trail.

4. What is the main purpose for the trail?
Transportation between points of interest in the community and connecting them to residential areas.
5. Has the City performed traffic studies for Highway 35 or Highway 15 for trail crossing purposes?
This summer NDOR stopped by to visit with Joel about various studies they are performing in Wayne on both highways. They were in town to view the areas for themselves. They had previously done a study regarding the proposed at-grade crossing at the CAC driveway that would have involved a flashing light. They would not allow it so it was determined to apply for funding for an underpass.
6. Must a study be completed for the City to know what crossing options are available for the trail project?
It was already completed by NDOR and it resulted in the underpass.
7. If Phase II, upon completion of its course, were to connect back with Phase I at some point, would the trail not then begin and terminate at Wayne State College? Has the council considered the previous question as a possible alternative?
NDOR has stated that if the underpass is built then the north end of the trail must terminate at WSC.
8. If the purpose of this trail is transportation for residents via foot or bicycle, wheel chair, etc., would not a route following Highway 35 and Highway 15 better provide that purpose for more people?
It would not be as safe as that route would require the users to cross multiple driveways and streets. The trail is meant as an alternative route for bikes and pedestrians to avoid traffic. This option is not allowed by NDOR under the current funding as well as being undesirable.
9. Does parking on Wayne State campus require a permit? If so, wouldn't non-student and non-faculty residents be excluded from parking where the trail begins and ends?
As far as we know it does require a permit. There are multiple places to park and enter or exit the trail including Victor Park, Roosevelt Park, Summer Sports Complex, the Fire Hall, and Sunnyview Park.
10. The initial trail plan did not include an underpass, did the Department require an underpass for the completion of Phase II?
Yes. They would not allow an at-grade crossing at the CAC driveway.
11. Does the City have a plan to address safety concerns for an underpass?
It will have lights and cameras.

12. Is the proposed area for the underpass prone to flooding? Would the underpass flood during time of heavy rain or snow melt? Does the City anticipate the underpass to be unusable at times during the winter of heavy snow and ice?
It will be designed to allow water to flow along the side of the trail through the underpass. The drainage from the west will go through the existing box culvert so the only water going through the underpass is drainage off the trail and the grassy surface to the east. Yes the City intends to keep it open in the winter.
13. If an underpass is constructed, will traffic be required to detour? If so, does the City know how long the detour will be in effect and what businesses will be affected and for how long?
No. The underpass is designed to be built in phases and the highway will be temporarily widened to allow two-way traffic to continue during the project.
14. It is stated that emails from the Department that if the trail crosses Highway 35 and connects to the Community Center, it must also connect to Wayne State College. Why is this required?
NDOR has stated it is because it was listed as the original purpose and need and the Federal Highway Administration wants to see this included in the project.
15. Is an underpass also required to cross Highway 15? If not, what option does the City plan to use? Does an alternative option also require traffic study?
No. The trail stops at an existing sidewalk crossing on the west side of Highway 15. Trail users can either cross the highway or continue south on the sidewalk on the west side of Highway 15.
16. You indicate that there is documentation that provides that the trail for Phase II must end at the Wayne State College, would you provide that documentation?
Yes.
17. It is indicated that the construction and engineering costs is 1.7 million dollars.
- What phases and route of the trail does this amount include? Options A,B, & C from above.
 - When was this cost estimated? December 2015
 - What amount of the costs has the City received so far from the federal or state government? When was any such money received by the City?
\$28,344.41 on 03/08/06
\$4,272.58 on 09/08/06
\$182.74 on 03/08/06
\$182.76 on 10/15/10

18. Has the City received any money for the trail project that it has not yet used on the trail project?
No.
19. Is the City currently holding any money for the trail project received from federal or state funding?
The Federal money we received was for reimbursement.
20. If money received for completion of the trail project was used for other "shovel ready" projects, what were those projects, when were they allocated money, and what was the amount?
The money that was allocated for "shovel ready" projects was the stimulus money from the FHWA to NDOR. The money for the trail project was still there but the delay was from NDOR focusing their employees on working on those projects instead of the existing projects like our trail that weren't as far along in the process as the other "shovel ready" projects within the state.
21. If there is documentation that the City is required to pay back any money at this time? If so, what are the conditions that mandate the payback ; and, would you please trace when that money to be paid back was received, where it was spent, and when?
Yes. If we don't build any part of the trail. Some of the money is what we received from NDOR which is listed under 17. The other funds are what NDOR paid directly to the consultant. Those invoices can be viewed at City Hall at any time.
22. Does the City know if more residents prefer and underpass at the bottom of a hill under Highway 35 or a pedestrian crossing at the top of the hill at Highway 35?
A public meeting was held for public input at the time the City Council decided to apply for funds for the underpass. We have not asked that question as it is not an option given by NDOR.
23. If Phase II was approved in 2003 and funded by the State in 2004, what has prolonged the project?
The State was required by FHWA to complete a 500+ page manual to document the process that would be required for LPA's (Local Public Agencies) to receive and spend federal dollars. FHWA did not feel there was adequate oversight over this money. This required extensive training for the local employees to become certified in the process. There was also an issue with ROW that was donated by a company and then challenged by the neighbors who claimed the property as theirs. As mention in 20 above the stimulus money also put existing projects like our trail at the bottom of the pile down in Lincoln as NDOR employees focused on other projects.

24. Is there a deadline for the council to act on vote for the location of Phase II?
No. However the project can't move forward to final design without this decision.
24. Has the City sought the opinion of an expert regarding the effect of the Phase II trail constructed on residential property front?
No.
25. Has the City conducted any sort of safety study or sought the services of a safety professional or advisor regarding the routing of the trail through the driveways on Westwood and Sherman roads?
Yes, our consultant Olsson Associates.
26. Has the City encountered any issues with maintaining Phase I trail? Is Phase I trail in disrepair at any place at this time?
We had some cracking down by the bridge and some repair from the tornado. A spot had settled where a contractor dug through with a sewer main. Those areas have all been fixed or sealed.
27. The purpose of the trail is transportation, why is the City pushing for the trail to travel through open fields, crop fields, or grazing or pasture land?
If that route is chosen there will still be connectors created from existing sidewalks in various areas such as Sunset Drive and Sherman Street. That route attempts to avoid crossing streets and vehicles as much as possible. It is actually the route preferred by NDOR back in 2003.
28. Does the City have plans to construct a sidewalk on the north side of Highway 35 in front of the cemetery and new housing development towards Bomgaars?
The Council has discussed it at last year's retreat. It would have been part of the highway project in 2000 if the area had been annexed at the time. Any sidewalk along that section of highway may require drainage work as well to keep a safe distance from the traffic which will add to the cost of the project.
29. Currently, Phase II ending at the Community Center is not a rejected option per the Department of Roads?
Correct.
30. If Phase II trail were to run adjacent or through a farming operation including crop land, or land containing livestock, has the City discussed liability and potential problems should they arise from pedestrian traffic along side the farming operation?
There would need to be fencing where appropriate. This has not been an issue for Phase I on the east side of the softball fields. Based upon our past experience we don't foresee any problems.

31. Has the City discussed any condemnation or eminent domain procedures related to this trail project?

We have not discussed this issue with property owners. Condemnation does not take place until negotiations have taken place and failed. Staff has advised the elected officials of the process required under the Uniform Act. This means projects are to be designed per Federal law with regard to the purpose and need of the project for the community and not individual properties. This is done such that certain neighborhoods are not discriminated against. For example it would be illegal to choose to place a new interstate across a trailer park rather than an upscale housing development simply because one neighborhood would have more political clout or the cost to obtain the land would be greater on one than it would be the other.

32. Current residents expressed the satisfaction with the snow removal from the current trail. Does the City have plan for snow removal for the expanded trail? If so, was it different from the current snow removal practice?

We are pleased to hear they are satisfied with the snow removal. We have a bucket, snow blower, and broom for our skidloader so we would continue to use those as needed.

32. Does the City have any draftings or drawings showing a finished product of the trail as it sits in front of residential property?

Yes. Those drawings are subject to modification if that is the route chosen to work with the neighbors whose property abuts the ROW owned by the City where the trail would be placed.

33. When was the underpass approved? And was it approved as a stand alone project or part of the trail project?

The program agreement with NDOR was executed by the State on March 2, 2011. It was approved as a stand-alone project and was then added to the trail project by NDOR in September of that same year.

Thank you for your response in these matters.

Respectfully,

Wesley J. Van Ert WJV/mjr

cc: Mr. and Mrs. Ron Carnes via em