

BENNINGTON
CITIZEN ADVISORY COMMITTEE
RECOMMENDATIONS

156th Street Improvement Project

June 2, 2010

Executive Summary

The Citizen Advisory Committee (CAC) presents three recommendations. The first is that the Categorical Exclusion (CE) be completed and the 'No Action/No Build' alternative be selected based on strong public opposition to the plan. The CAC found that the Purpose and Need Statement for the 156th Street Improvement Project does not reflect the needs of the community and contains major project features the public felt were unnecessary, too costly and would negatively impact traffic. There is considerable support for street surface improvement but other needs; such as speed control, intersection safety issues and storm drainage were not adequately justified and in some cases, conditions were misrepresented. The public expressed wide concern over school children/pedestrian safety with a proposed roundabout and revealed this feature would restrict or limit access for large trucks, farm equipment and would delay and possibly cause damage to emergency vehicles and responders. There is also concern regarding the city's current level of debt and how the new project would impact taxes and general services and no explanation of financing was given at any Council or public meeting or in any documentation.

The CAC's second recommendation is that the Council consider a two phase approach for fixing 156th Street. The first phase would be the immediate mill and resurfacing of the street. This would satisfy the immediate needs of the community and repair the road. Resurfacing would last about 7 years, during which time major bond debt would be retired putting the City in a more favorable financial situation. The second phase would be the development of a long-term plan. This would provide the city additional time to examine a more permanent solution, build public support, and refine projections on traffic, residential, school, and tax revenue growth while continuing to pursue a Federal Road Grant.

Lastly, the CAC recommends that future PACs consist of the Mayor, City Engineer, a representative of the Planning Commission and at least two residents. We suggest, it may be inappropriate for City Council members to sit in judgment of plans they helped develop.

Introduction: Authorization and Purpose

Mayor Johnson appointed a CAC on April 6, 2010 based on the recommendation of the Nebraska Department of Roads, Local Projects Division Engineer, Mr. Jim Wilkinson (Letter of Jan. 28, 2010). The CAC is made up of seven Bennington residents. The purpose of the Advisory Committee is to review the present road situation in Bennington, re-evaluate the purpose and needs of the 156th Street Project, review and make recommendations for other street projects and provide a written document on all matters. Councilman Gary Sather motioned to accept Mayor Johnson's appointees, Councilwoman Kathy Higgins seconded the motion, all voted in favor and the motion carried.

CAC members include: Julie Dunn, Mike Eischeid, Kevin Kuker, Gordon Mueller, Gene Scadden, Larry Witt, and Bob Zaruba. Vocationally, members include: a civil engineer, research scientist, concrete construction business owner, graphic software company vice president, management operation specialist, county road maintenance specialist, and a member in the auto industry (Appendix B).

TOPIC: Proposed 156th Street Improvement Project

Background:

The City of Bennington entered into a street improvement project with Nebraska Department of Roads in 2006 to improve road conditions on 156th Street. A Federal cost share grant was obtained to develop preliminary designs and complete the National Environmental Policy Act (NEPA) compliance necessary for federal construction funding. The City Mayor appointed a Project Advisory Committee (PAC) and a contract was signed with the engineering firm Kirkham Michael to develop preliminary designs and make project recommendations. Impacts and opposition to the project were believed to be minimal and steps were taken to develop the project as a Categorical Exclusion which requires minor NEPA compliance. The PAC included the Mayor, two city council members, the city engineer and a member of the City Planning Commission.

A Purpose and Needs statement was developed by the PAC and contractor Kirkham Michael and preliminary project designs were developed. An Information Meeting was held in the Bennington Elementary School gym on October 28, 2009 by Kirkham Michael where citizens were briefed on the status of the proposed plan. The proposed plan included concrete reconstruction of 156th Street from Papillion Creek to Highway 36, with a concrete roadway, storm drainage improvements, a roundabout at 156th Street and Bennington Road, and a chicane and pedestrian corridor between Bennington Road and CW Haden Drive. This was the second public meeting, the first was held in early 2007.

An informal written survey was handed out by Mayor Johnson to residents attending the October Information Meeting. A total of 126 were filled out and returned; of those, 107 were opposed to the project, 6 simply wanted the road resurfaced and 18 supported the proposed plan. The PAC

and City Council proceeded with the plan as proposed. Citizen opposition organized, forming the 'Voices of the Citizens' group. This group requested opportunities to address the Council and presented concerns at City Council Meetings starting in November 9, 2009 (CCMM 11/9/2009). Public attendance at the November City Council meeting exceeded sitting room capacity (25) in the City Office and people stood outside.

The VOC circulated a questionnaire/survey to town residents (Appendix A). A total of 284 were returned of which 97% had concerns regarding the safety of the roundabout, 93% wanted the proposed plan cancelled, 96% recommended the street be resurfaced immediately and 95% expressed concerns about project costs and higher taxes (VOC 4/10/2010). The group actively sought attendance at PAC meetings on December 12 and January 5 but were barred and threatened with arrest. A formal complaint was sent to the Nebraska Office of Attorney General suggesting this was a violation of the Open Meetings Act. The Attorney General's issued an opinion (3/31/2010) stating those meetings should be open to the public (Jon Bruning, Nebraska Attorney General, Letter 3/31/2010).

The City Council met on December 14, 2009, at the Community Room in the Library (CCMM, 12/14/2009). A Kirkham Michael representative presented and responded to a summary of concerns which had been given to the City by VOC. The Council defended the plan stating it met the Purpose and Needs Statement of the project. The VOC were given an opportunity to summarize their survey and to request more information. Audience comments generally opposed the project and questioned the 'Need' of a chicane or the roundabout. During the discussion, Bennington Police Chief, Lester Johnson stated, as he had in previous meetings that he could not recall any serious vehicular or pedestrian accident at the intersection (156th and Old Bennington Road) during the past 18 years which raised the question of whether intersection safety was truly a problem. Resident attendance again exceeded available seating (50+).

The January 2010 City Council meeting was held on the 11th at the Volunteer Fire Department in order to accommodate a larger gathering. Approximately 80 to 100 people attended. Again the VOC presented a summary of their survey and citizens again voiced their concerns of pedestrian safety, farm equipment, truck and emergency vehicle access. Council member Higgins defended the plan and the council assured residents that the school and the fire and rescue department supported the proposed plan. PAC chairman Mark Wichelt summarized the proposed plan to an audience strongly opposed to the project and recommended the City Council adopt the proposed plan. However, due to considerable citizen questions and disapproving comments the Council tabled consideration of the PAC's recommendation (Resolution 2010-01) until after a proposed public meeting, scheduled for January 28th, could be completed.

A public meeting was held January 28, 2010 at St. John's Lutheran Church, more than 200 residents attended. Several new issues and concerns surfaced at the meeting as well as numerous issues that had not been satisfactorily resolved. There was strong support to resurface the roadway and equally strong opposition for the construction of the roundabout at the intersection of 156th and Old Bennington Road. Many residents felt replacing the four-way stop with a roundabout would increase the risk of accidents while others expressed concerns it would restrict truck and farm equipment traffic essential to the business community. The following list of issues and concerns were expressed by citizens at City Council meetings and/or at the public

information meetings and were developed from notes taken by the City Clerk, Kirkham Michael and from others attending the meetings.

- Resurface 156th Street as soon as possible,
- Cost with current city debt,
 - Costs of landscaping and maintenance was not included in estimates,
 - Cost of possibly buying out Schettlers and Bridgefords was not included in the estimates,
 - Impacts to current City Departments was not included,
- Safety issues with the roundabout and children,
 - Questions regarding location and type of pedestrian crossing,
 - Possible need for signal crossings not included in designs or costs,
 - Possible need for four traffic officers rather than one,
 - Concerns with children crossing and traffic flow designed to not stop,
- Flooding damage not substantiated,
- Chronic speeding problem not substantiated,
- No serious intersection accidents for over a decade,
- Impact to businesses and residence (loss of parking, driveways)
- Loss of trees on West side of 156th Street to proposed bike path,
- Closure of Howard Lane,
- Closure of 156th Street to large trucks, vehicles pulling large trailers, farm machinery,
 - Concerns expressed by the Chief of the Volunteer Fire and Rescue squad of possible emergency response delays and vehicle damage,
 - Concerns of access due to intersection accidents and snow removal,
 - Discrepancy in data provided regarding traffic violations,
 - High taxes or effect on mil levee,
 - Plan should be put to the voters,
 - Council is not responsive to public opinion.

The next City Council Meeting was held at Saint John's Lutheran Church on February 8, 2010. Approximately 200 attended the meeting. The VOC made a formal recommendation to drop the proposed plan in favor of milling the road surface and resurfacing it with asphalt. The Council refused to take action. The Council and citizens appeared deadlocked when past Mayors Clark and Bohn spoke, asking for a compromise. Councilman Sather made a motion to drop the roundabout, chicane and pedestrian corridor from further consideration and to form a new Project Advisory Committee. Councilman Loptin seconded the motion; all members voted in favor and the motion was carried.

At the City Council meeting on March 8, 2010, the Council discussed the merits of Mr. Wilkinson's (NDOR) recommendation to form a Citizens Advisory Committee (CAC). A public notice was issued for volunteers and a committee was selected by the Mayor and appointed with the consent of the Council on April 6, 2010.

Topic: Review of the Purpose and Need Statement

The CAC was charged with reviewing the Purpose and Needs Statement (PNS) of the *Categorical Exclusion to 156th Street From Nebraska Highway 36 to Big Papillion Creek* document (KM, 2008). The recommendation to “*confirm that the purpose and needs statement is clear and justified,*” was made by Nebraska Department of Roads Project Engineer, Jim Wilkinson (letter Jan. 28, 2010). The PNS states: “*The purpose of the Project is to improve access, safety, and reduce queues and congestion along 156th Street in Bennington. The project is being proposed to address multiple components:*

- *Control vehicular speeds for traffic traveling from N-36 south into the City,*
- *Improve traffic operations and increase safety for left-turning vehicles,*
- *Provide a pedestrian/bicycle environment,*
- *Roadway improvements including surface water drainage and pavement conditions.”*

The Purpose and Needs statement identified four (1.3.1-4) major issues that guided project development and alternative design. These included: 1.3.1 Vehicle Speeds, 1.3.2 Traffic Operations, 1.3.3 Pedestrian and Bicycle Accommodations, and 1.3.4 Roadway Improvements. Item 1.3.4 included two subheadings of Drainage and Pavement Conditions. The CAC reviewed and numerically scored those issues in terms of their relevance based on public comments and information available in project documents. CAC member scores (not needed=1 to 10=badly needed) were averaged to rank the public’s perceived importance of the issues identified in the PNS.

1.3.1 Vehicle Speeds

Proposed Justification: “*...the City has taken both active and passive approaches to deter speeding along 156th Street. These mitigation measures have had little to no effect on reduction in frequency of violators (Bennington Police June 24, 2008). Improvements are needed because speeding is a safety concern for (1) children walking to and from school, including those crossing 156th Street, (2) pedestrians/residences along the entire route, (3) slow or stopping vehicles picking up and dropping off students at school, and (4) vehicles turning off 156th Street at driveways and intersections.”*

CAC Review Ranking = 4.5 (average). Safety of our children is always a priority; however, the CAC viewed speeding as an average problem faced by other local schools and other roads in our community. Speeding has always been an issue for traffic traveling downhill from Highway 36 into town. The CAC agreed that in recent years road surface deterioration has slowed motorists and it can be expected that speeds will increase following road improvement, but they felt other means could be used to help reduce speeding.

Traffic violations were used to help justify the construction of the proposed chicane and roundabout. The Bennington Police Department provided the PAC with statistical traffic information; when this information was compared to corresponding traffic violation data from Douglas County Prosecutor’s Office, major discrepancies were discovered. An audit of these citations by Mayor Johnson suggested less than 20% (106) were speeding violations for drivers coming into Bennington from north on 156th Street. When asked why the data used by the PAC showed 23% more violations than the prosecutor’s figures, which included all violation in Bennington, the reason provided was that these also included verbal warnings. However, this does not explain the discrepancy in the data from 2008 where the Douglass County Prosecutor’s Office showed 125 more citations were written.

The data presented by Kirkham Michael suggested a violation was issued nearly every other day while the Mayor’s audit indicated a speeding citation was issued every 16 days. The absence of collaborating data and inclusion of this confusing, and possibly biased, information was unfortunate and needs to be corrected (Table 1).

Year	Citation data used by KM (Johnson, 6-23-2009)	Citation data from Douglas County Prosecutor’s Office (McDonald)
2006	171	87 (16)*
2007	199	123 (51)*
2008	150	275 (31)*
2009 (Jan-Jun)	135	49 (8)*
Totals	655	534 (106)*

Table 1. Comparison of data used by Kirkham Michael (source Bennington Police Department) and information provided by the Douglas County Prosecutor’s Office to Shirley McDonald. *Mayor Johnson and Matt Johns audit of speeding violations restricted only to 156th Street between Bennington Road and Highway 36.

The Police Department provided a letter describing speeding violations and stating they had tried other methods to control speeding but were unsuccessful (L. Johnson 6-24-2009). However, the CAC could find no evidence that any comparative or statistical ‘test’ was actually conducted by Chief Johnson’s Department and felt more structured tests were needed and other approaches may be worth pursuing. Based on the information provided, the CAC didn’t feel the current level of speeding justified the impacts and cost of chicane.

The chicane feature was dropped from further consideration by City Council Resolution.

1.3.2 Traffic Operations

Proposed Justification: *“Improvements to 156th Street are needed to improve access, safety, and reduce queues and congestion.”*

CAC Review Ranking = 4.3 (below average). Traffic congestion is limited to 10 to 20 minutes a day and occurs when school begins and ends; Monday through Friday, 9 months of the year. The CAC felt short-term traffic delays are common occurrences at nearly all schools in the metropolitan area. In addition, the traffic data used in the Categorical Exclusion was dated, representing traffic rates prior to the opening of Pine Creek Elementary School. Which when it opened in 2009 diverted and reduced traffic congestion at 156th and Bennington Road. Undoubtedly, traffic rates will increase in time; however, residents view this type of traffic congestion as an ‘inconvenience’, rather than a problem. A comparison of traffic delays experienced at other local schools may have helped determine the severity of Bennington’s problem.

The document suggested that police were ‘forced’ to direct traffic; when in fact their interaction with students and parents while directing traffic is viewed as a positive interaction by many. In addition, if an accident or other issue arose that required the police to not be at the intersection, the crossing guards and adult supervision provided by the school would be able to adequately handle the child crossing safety.

The roundabout was purposed to increase safety and access while reducing congestion. Surveys conducted by the Mayor and VOC suggested resident opposition to this project feature exceeded 90% based on citizen concerns of pedestrian safety with the roundabout, its cost and they question its need. The intersection currently is a four-way stop with a flashing red light and during periods of school related traffic congestion, a police officer directs traffic. The intersection has an excellent safety record and residents questioned the wisdom in making a change.

Public comments and questions pertaining to the roundabout broadened the scope of issues. Farmers, truckers, landscaping companies, and the Fire and Rescue Squad expressed concerns of navigating through a roundabout with large and/or long vehicles. These entities expressed difficulty in turning with current road conditions and feared a roundabout or turning lanes would further restrict or limit access for some businesses. It was finally learned that vehicles over 50 feet would be restricted. The Chief of the Bennington Fire and Rescue Squad expressed concerns of possible damage to emergency vehicles responding to calls and pointed to the long term plans of the department to acquire a ladder truck that would likely exceed the 50’ limitation. In addition many residents expressed fears of road access during heavy snow storms (Public Meeting, Jan. 28, 2010).

The roundabout feature was dropped from further consideration by City Council Resolution.

1.3.3 Pedestrian and Bicycle Accommodations

Proposed Justification: *“A solution is needed to enable pedestrians, particularly school children, to travel safely along 156th Street which is the City’s main north-south street.”*

CAC Review Ranking = 5.1 (average). Citizens appeared to be neutral to the basic concept; however, several voiced opposition to the removal of trees along the west side of 156th Street to provide the corridor. The CAC supports the Councils motion to drop the bike and pedestrian corridor as proposed in the Categorical Exclusion based on its cost and impact to the trees along 156th Street. However, the CAC agrees that pedestrian access needs to be improved and made safer. Currently, the east sidewalk is immediately adjacent to the curb. A setback further away from the road corridor would increase the distance between pedestrians and vehicles making it safer.

It’s believed the size of corridor proposed in the project was dictated by criteria necessary to qualify for Federal funding. Something smaller in scope may meet the needs of the community and be less costly and have fewer impacts to the landscape. In addition, possibly limiting new side walk/bike path to the east side of 156th Street may be an option.

The bike path feature was dropped from further consideration by City Council Resolution.

1.3.4 Roadway Improvements

“Two areas of inadequacy have been identified and are discussed in the following section.”

Drainage

Proposed Justification: *“Drainage improvements are needed to improve roadway safety and eliminate flooding south of Bennington Road and to meet the requirements of the wider roadway cross section.”*

CAC Review Ranking = 5.0 (average). Flooding has not created any significant property damage along 156th Street. We are not aware of any flood related issues that concern residents south of Bennington Road; however, some minor drainage/flooding issues were expressed for the north side of the school and for two residents living on Howard Lane. Bob Burner suggested some of the drainage problems at the school had been fixed but suggested the placement of a ‘hump’ at the turn-in to the school parking lots would help keep storm runoff flowing down the curb into storm drains located further down the street. Currently, some street runoff flows into the parking lot.

Potholes and current depressions create standing water following snow melt or rains. However, the CAC concluded that proper contouring of the road surface during resurfacing would help reduce standing water and assist in better runoff drainage.

Pavement Conditions

Purposed Justification: *“Improvements are needed because the existing rough surface is unacceptable and presents a potential hazard to the traveling public.”*

CAC Review Ranking = 9.5 (very significant). There is overwhelming support by residents that 156th Street needs repair. This is the one area that everyone is in agreement.

Findings and Discussion

There was broad support throughout the community to repair the road surface (1.3.4 Roadway Improvement); but residents felt other issues identified in the PNS (1.3.1 Vehicle Speeds, 1.3.2 Traffic Operations, 1.3.3 Pedestrian and Bicycle Accommodations and 1.3.4 Roadway Improvements; subheading Drainage) reflected conditions that were 'average' or common place to most communities (Figure 1). For instance, new sidewalks, storm drains, controlled speeding, and a reduction in school related traffic congestions would all be 'nice' but not necessary at this time in view of projected impacts and costs to the community.

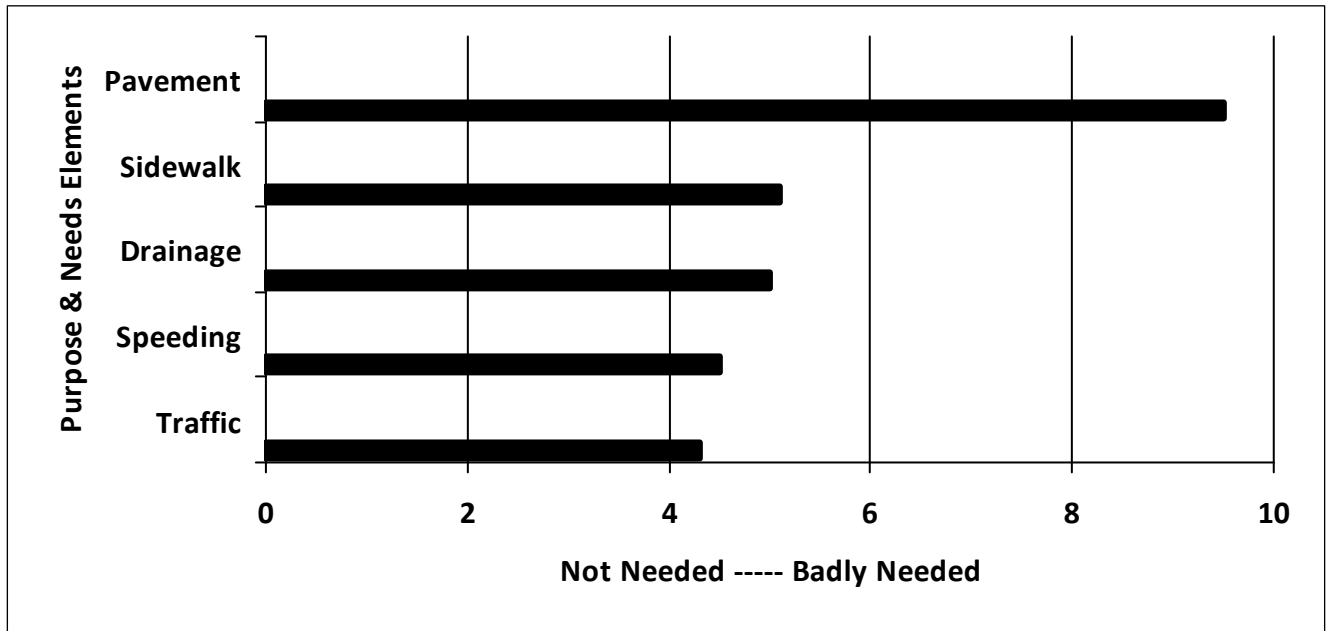


Figure 1. Bar graph showing the relative significance of elements identified in the Purpose and Needs Statement. (0=not needed, 5=average need, 10=badly needed).

Pavement condition was a subheading of Roadway Improvements, which gives the impression that speeding, traffic and pedestrian access are more important. Placement of priority tasks first helps clarify the major issues of the plan.

The pursuit of a 'Categorical Exclusion' is made on the assumption that the project is supported and impacts are minor. Unfortunately, neither was the case. There was little or no public support and considerable controversy over some project features. Critical information pertaining to pedestrian safety, access by truck, farm and emergency equipment and project cost were either absent, not adequately addressed, not justified or in some cases appeared to have been misrepresented. Some examples include; access for vehicles longer than 50 ft. would be prohibited (absent); how school and pedestrian crossings would operate (not adequately addressed); intersection safety (not justified); and residents were told the project was supported

by the Fire and Rescue Squad when in fact their Chief expressed concerns regarding response delays and possible equipment damage (misrepresented). In addition, some suggested features were not justified by local need which led to speculations they may have been added to help justify federal involvement. Greater public involvement during the initial phases of this project may have avoided costly planning, wasted time and effort, public mistrust and hard feelings within the community. This responsibility must be shared by both the residents and City Government.

The inaccuracy of the Purpose and Need Statement combined with the project's controversy reflects a greater issue; a breakdown of communication between City Government and its residents which lead to mistrust and polarization. The initial assumption that the community would support the project proved wrong and reflects a failure by both the residents and city government and shows a need for greater openness in government activities and more public involvement. Resident attendance and participation at Council meetings was lacking. However, City officials must not only be receptive, but responsive to citizen concerns and encourage public input which didn't occur in early City Council meetings. While PAC and Council's efforts were made in good faith, they appeared biased toward what they thought was best for the community and failed to address the basic needs and desires of the residents themselves.

Public mistrust was further provoked by certain incidents and in large part due to council representation on the PAC and the public's absence. In addition, at the Public Information Meeting, the Public was not given an opportunity to voice their concerns or comment in a 'group' forum. Instead information was delineated one-on-one with contractor representatives, who did not give consistent answers or present the same information. Many residents wanted to hear what their friends and neighbors thought. Another example is the barring of the public from sitting in and listening to PAC meetings, this polarized and raised suspicions even more. The Council did agree to hold an additional Public Meeting but unfortunately scheduled their vote on the PAC's recommendation prior to getting that public input. Many residents remarked that 'the City was going to simply do what they want'. During that meeting, the PAC did present their recommended plan and thankfully it was tabled until after the public meeting.

Examining this in retrospect, there is a flaw in the City's planning process. The PAC which developed and recommended the proposed plan consisted of five members, two who also served on the City Council. We feel this at least can give the appearance of a conflict of interest; by having *the same members who develop plans, then sit in judgment of those same plans*. It is noteworthy that the PAC/Council members were the two who most strongly defended the plan, made comments that opponents represented "the radical fringe", and participated in barring citizens from PAC meetings. We suggest it is difficult for a person to develop a plan; then take an objective vote on the plan's merit. While it may be possible, it didn't happen on this project and may help explain how the plan's acceptance became 'personal' to some.

Recommendations

Based on the above summary, the CAC makes the following recommendations:

We suggest the City's planning process at least appears to have flaws and possible biases or conflicts of interest when Council members also serve on project committees. We recommend that future PAC be represented by the Mayor, City Engineer, a member of the Planning Commission, at least two citizens and no Council members. We feel this would increase citizen input and at least reduce the appearance of possible biases of Council members judging their own work.

We recommend that a summary of the public comments expressed at the Public Meetings be added to the CE and that the 'No Build/No Action' be selected as the preferred or recommended alternative. Ranking of the Purpose and Need elements resulted in 'pavement resurfacing' having a far greater importance to the community than other elements (pavement conditions 9.1, pedestrian/bike access 5.1, drainage 5.0, vehicle speeds 4.5, and traffic operations 4.3). Based on public comments and our assessment, we recommend the City focus their attention on resurfacing 156th Street within the budgetary constraints of the City. We further recommend the other features or concerns discussed in this assessment be treated secondary and implemented only when found cost effective and within the ability and willingness of the Citizens to financially support the project.

The project and public involvement identified several issues that merit further examination. They include:

- ✓ Require the Police Department's data base to record accident and violation information based on violation type and location,
- ✓ Determine (through adequate testing) if speeding can be reduced through such actions as: additional enforcement, additional signage, fixed radar sign, or parking patrol car with mannequin at various locations along the route.
- ✓ Examine the possibility of widening the intersection (without adding turning lanes) or Stop Sign 'set back' to allow a greater turning radius for large trucks and vehicles,
- ✓ Continue the use of police to direct traffic during school related traffic congestion,
- ✓ Set back and construct a new sidewalk on the east side of 156th Street and provide signaled pedestrian crossings.
- ✓ A smaller sidewalk on the west side of 156th Street that would co-exist with the existing landscape and vegetation,
- ✓ Specific flooding related issues known to occur at Howard Lane should be examined to determine the most prudent course of action.

SECONDARY IMPROVMENTS WITHIN THE ROAD CORRIDOR

The Categorical Exclusion's Purpose and Needs Statement contained features that had merit but did not have strong support from citizens. These features were independent of roadway construction and could be added at any time when funding is available. These included: Sidewalk Improvements and Speed Control Features.

ROADWAY ALTERNATIVES AND COST

There are an infinite number of alternatives that could be proposed; however, the CAC felt it worthwhile to present a range of construction alternatives (and No Action) which have been presented or discussed in a public forum. Four are presented here, for purposes of comparison to give the Mayor and City Council some feeling what the public may support at this time.

CAC reviewed and numerically scored roadway alternatives in terms of public acceptance based on public comments at public and council meetings, survey information and discussions with CAC members. We selected 5 criteria which seemed to represent key criticisms expressed at City Council Meetings and the Public Information Meeting.

CAC member scores (insignificant=1 to 10=very important) of five topics deemed critical for public acceptance. They included: 1. the overall project cost, 2. time necessary for repair/construction, 3. impact to adjacent properties/businesses and the community, 4. public support for the alternative and 5. impacts on intersection assess for larger trucks and the ability of the Volunteer Fire and Rescue Department to respond to calls. Each member of the CAC scored these issues, 1 through 10 (1=poor, 10=best), they were averaged, providing a score for each alternative.

1. Mill and Asphalt Overlay

This alternative would involve resurfacing the existing 156th Street road corridor from Highway 36 south to the Big Papillion Creek. A milling machine would remove excess road material that would be replaced with new asphalt. The milling process removes; ridges and bumps and then properly contours the road for proper drainage. Following road surface preparation, 2 inches of new asphalt is added to the existing road surface. A typical mill and resurface project would take 2 to 4 weeks to complete. Four estimates to mill and overlay 156th Street were available (Kirkham Michael (KM 2009) \$200,000; Mayor Johnson, engineering estimates \$88,000, 289,000, 220,000) which averaged roughly \$200,000.

Positive (+) and Negative (-) Alternative Attributes

- + Quick repair
- + Minimal impact to residents and businesses
- + Low cost
- Short life
- Does not address drainage issues

CAC Review Ranking = 9.5

Scores: Cost=9.3, Construction time=9.6, Community impact=9.4, Public support= 9.9, Emergency response=9.4.

2. Mill and Asphalt Overlay (with intersection improvement)

This alternative would include the same street resurfacing as described in the previous alternative (1. Mill and Asphalt Overlay) but would also include modification to the intersection which would bring it into compliance with standard roadway design criteria for standard intersections. This would involve the widening of intersection (and shoulders) to better accommodate passage of large vehicles. We estimate construction may take 2 to 4 months to complete.

Cost of a similar alternative was addressed by the PAC in questions submitted to them by VOC. They summarized costs and addressed those questions in a summary dated November, 9, 2009. The cost for an alternative that included mill and overlay with a 4 way stop and turning lanes was \$625,000 without the cost for additional property which should be minimal (KM 2009).

Positive (+) and Negative (-) Alternative Attributes

- + Relative low cost
- + Improve traffic flow
- + Improve turning radius
- Requires right-a-way acquisition
- Impacts four adjacent properties
- Will require additional construction time, impacting business, the school and residents.

CAC Review Ranking = 4.7

Scores: Cost=6.3, Construction time=5.3, Community impact=4.4, Public support= 4.4, Emergency response=3.3

3. Concrete Paving of 156th Street (with intersection improvement, curbs and storm drains)

This alternative would involve the removal of the current asphalt and road bed and replacing it with a newly designed concrete roadway. The project would include the placement of curbs and storm drains along the remaining portions of the east and west sides of 156th Street from Bennington Road north. The intersection at 156th and Bennington Road would be enlarged to better accommodate turning traffic.

For purposes of comparison, we used the cost and construction times estimated for the CE's purposed plan (roundabout). Estimated costs used for comparison exceeds \$3 million and construction duration of 18 to 24 months. If this became a Federal cost share project, Bennington's share would be approximately \$700,000; plus NEPA compliance and design costs.

Positive (+) and Negative (-) Alternative Attributes

- + Longer project life
- + Addresses storm runoff issues,
- + Improve turning radius for large trucks and farm equipment,
- High cost
- Longer construction delays
- Impact access to residents, businesses, and emergency vehicles
- Need additional easement costs

CAC Review Ranking = 1.3

Scores: Cost=2.0, Construction time=1.4, Community impact=1.0, Public support= 1.0, Emergency response=1.2.

4. No Action

No steps would be taken to resurface the roadway other than routine pot-hole repair. This alternative is not acceptable to the public. Survey results from 284 residents showed 96% wanted 156th Street milled and resurfaced immediately.

CAC Review Ranking = NA. This alternative would be unacceptable to the public. There would be strong resident opposition to No Action.

COST

Residents have concerns about additional City debt, especially following cost overruns on the recent Main Street Renovation Project. It was suggested that funding for the CE's proposed plan would require additional bonds for approximately \$700,000. How those costs would affect taxes or City services was never presented to the public. Cost is not a factor in the NEPA process and the City has the authority to issue additional bonds that have to be paid by the residents. This may help explain why the country, state and city face high debt. The City's budget was difficult for this committee to decipher and we suggest that may also be a problem for the Council as a whole. Recent cuts to the Fire and Rescue Squad and Police Department and comments made by Council members suggest funding within the City budget is tight and that cuts to past budgets are necessary. This leads us to the question of how the City intends to fund this work; we believe the residents have a right to know.

The City's Street Fund has in excess of \$500,000 as of May 5th, 2010 (Mayor Johnson, personal communiqué). It is possible a portion of this funding could be used for this project; however, the Mayor suggests the source of this funding would have to be reviewed by the City Attorney to determine if it could legally be spent for the 156th Street Project.

If not, then the entire amount needed for fixing 156th Street would have to come from bonds, higher taxes and possibly a road grant. For purposes of comparison, we are presenting Bennington's portion of the 2009 tax levy which was \$0.65 per \$100 of property valuation as a 'Base' revenue year and any increase in bond debt would require an equal adjustment in Bennington's tax levy rate or a cut in City services (or combination). Levee rates for 2010 may increase to accommodate the additional debt that occurred from the downtown renovation project.

We estimate the tax levy resulting from the Main Street Renovation Project could increase (11.5%) to \$0.725 or further cuts would be made in the General Fund to compensate for that debt (Table 2). The cost of the mill and overlay alternative could increase property owner's taxes approximately 2.6% or about \$0.014 per \$100 (overall \$0.739) of assessed property value. If \$700,000 of additional debt were added; the shortfall would be about \$113,000 per year and the tax levy would probably be increased to \$0.785 for an increase of 20.8% over 2009 levels. To put this in terms of resident tax payments, a resident having a home valued at \$150,000; their taxes in 2009 would have been \$975. We suspect it may increase to \$1,088 in 2010 to accommodate the Main Street renovation bond. The addition of \$200,000 from a mill and overlay project would raise their taxes to \$1,109 and a \$700,000 project would raise them to \$1,178. Remember, even at the base tax levy of \$0.65, Bennington's taxes are the second highest in Douglas and Sarpy Counties.

Estimated Project Costs	Tax Levy	Increase %	Cost for a \$150K home
2009 (pre construction base)	\$0.65	0	\$975
2010 with Main Street Bond (\$1.8 million)	\$0.725	11.5%	\$1,088
Mill & Overlay (\$200K)	\$0.739	14.1%	\$1,109
M&O with wider intersection (\$625k)	\$0.769	20.8%	\$1,178

Table 2. Estimated tax increases (City of Bennington's Portion) based on 2009's tax levy of \$0.65 per \$100 of assessed property value and associated costs for an average Bennington home valued at \$150,000. Again, these rough estimates are made on the premise that funding shortfalls would be made up by increases in tax revenue.

Findings and Discussion

Public comments heard at the City Council Meetings, VOC meetings and Public Information Meetings strongly voiced their support that something be done to improve road surface conditions on 156th Street. A significant proportion supported milling and overlaying the road with asphalt as soon as possible. This type of repair was favored because it could be accomplished this year, within a few weeks, was the least costly, and had fewer impacts to residents and emergency vehicles (Chart 1).

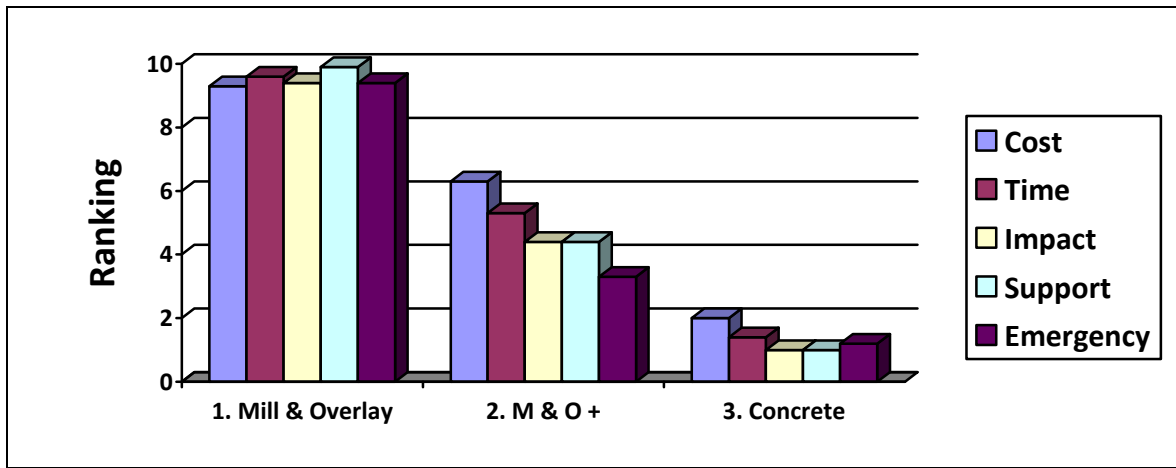


Chart 1. A comparison of three construction alternatives based on key impacts (Cost, construction time, community impacts, public support, impacts to responding emergency vehicles) voiced by residents at City Council and Public Meetings.

Residents are concerned over taxes and the recent costs of a Main Street renovation project that went over budget and was plagued with construction problems and delays. The \$130,000+ Main Street railing is nice, but was it a wise expenditure for the City already deep in debt? They are also concerned over the recent economic downturn, and growing national, state, city and personal debt. Many City residents are on fixed incomes and are concerned about making ends meet and are probably facing an 11.5% increase in their property taxes. These types of issues make it difficult for many residents to worry about traffic problems that might occur 10 or 20 years from now, or if resurfacing the road will last 7, 10 or 20 years. The City needs to do a much better job at prioritizing projects and reverse the City's growing debt.

The City Council not only suggested but stated in their resolution to drop the roundabout, chicane and bike path that a significant number of residents supported these features. We heard few or no comments of support at these meetings. However, we do believe residents may support a more substantial repair of or upgrade to 156th Street in the future. We feel residents would support a widening of the intersection at Bennington Road and 156th Street to

accommodate wider turning lanes for semi-trucks, farm and fire equipment. Other features like a set-back sidewalk and storm drains could find more support if/when the bond debt is reduced.

The life span of the Mill and Overlay alternative is estimated at 7 years. In that time (approximately 7 years) a major bond will be paid off, reducing a portion of the City's debt. The City could also use this timeframe to reexamine and refine their analysis of traffic patterns, school and residential growth and public needs to determine if a more substantial fix is warranted and supported by the community.

RECOMMENDATIONS FOR IMPROVING 156TH STREET

The CAC recommends the City consider a two phase approach to the 156th Street Project. The first phase would be the immediate mill and resurfacing of the street's surface with asphalt at an estimated cost of approximately \$200,000. This would address the major and most immediate needs of the residents; fixing the road's surface.

The second phase of this approach would be to use the short-term life span (7 yrs) of the project to refine the analysis for a more permanent fix and to build public support. The City will retire a large bond in 7 years which should help reduce city debt. Future plans should seek public involvement during the entire process and possibly focus on widening the intersection to accommodate larger vehicles. Other priorities and needs may surface such as adding curbs, storm drains and improving the sidewalk. The fiscal impact of future construction projects must be included in the public discussion.

ACKNOWLEDGEMENTS

We want to express our gratitude and thanks for the contributions of the following: Mindi Laaker (City Clerk) who provided critical support. She handled public notification of meetings, provided needed information and city documents and helped organized material for meetings. Mayor Johnson provided the committee guidance, additional information and documentation and support. Bob Bruner and previous Mayor Bill Bohn who gave of their time to provide us with a technical review of this document.

REFERENCES

Bennington City Office, 4/14/2010. Bennington Funds Overview

Bob Bruner, 2010, Summary Sheet of Alternative Costs presented at the January 28, 2010 Public Meeting, Bennington, Nebraska.

CCMM (City Council Meeting Minutes, available from City Clerk's Office, Bennington, Nebraska.

Jim Wilkinson, Letter of Jan 28, 2010. Nebraska Department of Roads Project Engineer.

Jon Bruning, Nebraska Attorney General, Letter 3/31/2010

Kirkham Michael, 2008. *Categorical Exclusion to 156th Street From Nebraska Highway 36 to Big Papillion Creek*

Kirkham Michael, 11/9/2009, Bennington Open House-Public Comment Responses and responses to Bill Dunn, Voices of the Citizens. 11p.

Lester Johnson, Bennington Police Chief. 6/24/2009. Letter to Stacey Froscheiser: RE: 156th Street Project: KM Project No. 0603266.

Mindi Laaker, Bennington City Clerk. Notes of meetings by the City Administrative Officer

Mayor Johnson and Matt John (Bennington Police Commissioner), Audit of speeding citations from the Douglas County Prosecutor for 2006 through 2009 presented at the January 28, 2010 Public Meeting, Bennington, Nebraska.

Shirley McDonald, Summary and comparison of traffic statistics from the Bennington Police Department and the Douglas County Prosecutors Office presented at the 156th Street Public Meeting, January 28, 2010, Bennington, Nebraska.

APPENDIX A

Voices of the Citizens Survey and Results

COMPLETE & MAIL BY DEC 12TH

To Voices of the Citizens
PO Box 20
Bennington NE 68007-0020

Yes **No**

_____ _____ Are you Concerned about the safety of our Children with a
Round-A-Bout next to our elementary school?

Yes **No**

_____ _____ **Cancel** the 156th \$3,700,000.00 to \$4,900,000.00 Project

Yes **No**

_____ _____ Mill & resurface 156th St (for about \$100,000.00 **NOW**).

Yes **No**

_____ _____ **Maintain or lower** our taxes by fiscal responsibility
(is it necessary or just nice)

Other Comments:

Name **Address** **email / phone**

YOUR VOICE WILL MAKE A DIFFERENCE

NEXT CITY COUNCIL MEETING DEC. 14TH 6 PM - PLEASE COME

Appendix A

Results of Voices of the Citizens Survey

Citizen Survey				
Surveys returned	SIGNED or WITH ADDRESS		UNSIGNED & NO ADDRESS	
284	270		14	
	Yes	No	No Responses	
Question1 (concerned about pedestrian safety with roundabout)	277	6	1	
	97.5%	2.1%	0%	
	Yes	No	No Responses	
Question 2 (156th st proposal- Cancel as is)	265	12	7	
	93.3%	4.2%	2.5%	
	Yes	No	No Responses	
Question 3 (mill & resurface 156th NOW)	272	8	4	
	95.8%	2.8%	1.4%	
	Yes	No	No Responses	
Question 4 (maintain or lower taxes) Is it absolutely necessary	271	3	10	
	95.4%	0.0%	3.5%	
	YES	# OF SURVEYS	NO	No Responses
TOTALS	1085	284	29	21

(Majority of surveys were completed by one person per household)

APPENDIX B

Committee Member Résumés

Larry Witt. 15208 S. 3rd St. Larry owned and operated a concrete business in the Bennington area for 35 years and has completed several projects for the City of Bennington. He has lived in the Bennington area for 50 years and has been a Bennington resident for 20. He served on the Bennington Planning Commission for 6 years. He is currently semiretired.

Harold (Gene) Scadden. 15906 N. 4th St. Gene Scadden served in the Marine Corp on two tours in Vietnam and then worked on the Linn County, Iowa Road Maintenance Department for 18 yrs specializing in road repair and road maintenance.

Gordon Mueller. 11523 N. 156th St. Gordon grew up in Bennington and received a Masters Degree from UNO. Worked for the Dept. of Interior for 33 years; initially writing NEPA documents for the Bureau of Reclamation and then worked as a research fisheries biologist for the U.S. Geological Survey. He moved back to Bennington in 2008 where he and his wife started Oft's Bed & Breakfast.

Julie Dunn. 321 N. Stark St. Julie retired after 31 years with the Postal Service, starting her career as a rural letter carrier. She has lived in Bennington since 1988 and is a volunteer Stephens Ministry Leader. She became an operations manager of a 24 hour, 200+ employee operation and served on multiple diverse 'crisis' operation management assignments. She holds a certificate in Christian Counseling and has 7 grandchildren in the Bennington School system.

Bob Zaruba. 11613 N. 156th St. Bob has been a Bennington resident since 1979; has a Masters Degree in Civil Engineering; is a Registered Professional Engineer in the State of Nebraska; is the President of Bennington Library Board of Trustees; Previously served on Bennington Board of Education; and is recently retired from U. S. Army Corps of Engineers after 34 years of service as a Civil Engineer and Project Manager.

Kevin Kuker. 317 N. Stark St. Kevin has been a Bennington resident since 1996; married with two children, one attending Bennington High School and the other attending Bennington Elementary School. He is the Vice President of Services and Operations for a publicly traded computer software and technology firm that primarily works with Engineering, Architectural and manufacturing companies.

Mike Eischeid. 11809 N. 158 St. Mike has lived in Bennington since 2002 and has worked in the automotive field for approximately 25 years.