



RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting

Monday, June 7, 2021

Meeting Began At 11:03 a.m.

Meeting Ended At: 12:31 pm

Members Present: Deb Schorr, Jane Raybould, Rick Vest, James Michael Bowers

Members Absent:

Others Present: Roger Figard, Mary Lowe, Bill Kutilek, Paul Zillig, Tom Beckius,
Kris Humphrey, Dennis Meyers, Mark Meisinger

Order No. 21-01, 21-02: Call Meeting to Order;

Rick Vest called the meeting to order. Vest stated that the RTSD is subject to and adheres to the Nebraska Open Meetings Act and indicated that a copy of the Act is posted and available for inspection at the entrance of the meeting room.

Vest stated that the RTSD agenda and all the materials being considered at this meeting were posted on the RTSD website on June 1, 2021. The RTSD website is also accessible by links from both the City of Lincoln and Lancaster County official government sites. In addition, the Meeting Agenda was posted on the bulletin board located in City Hall, first floor, 555 South 10th Street. Copies of the Meeting Agenda and all the materials being considered at the meeting are available at the dais, and complete copies of the materials are on file and retained at the RTSD Office at 949 West Bond Street, Suite 200.

Bill Kutilek stated that he was informed that Mr. Beckius has not officially been appointed by the City Council to the RTSD and therefore, is not participating as an official voting member of the Board at this meeting. A quorum of four members is required in order to establish an official meeting. Thus, all action items that require a vote were tabled until a fourth member of the Board arrived.

James Michal Bowers jointed the meeting and a quorum was established.

Order No. 21-03: Approval of Minutes;

First item on the agenda is the approval of the minutes from the March 2, 2021, meeting. The minutes are available for review on the RTSD website: <http://lincoln.ne.gov/city/ltu/rtsd/>.

Raybould moved to approve the minutes from the March 2, 2021, meeting.
Schorr seconded the motion. Motion approved 4-0.

Order No. 21-04: Election of Officers

Schorr acknowledged the leadership of the current officers and expressed her appreciation for all of their efforts and made a motion that the three officers who are currently serving in their respective roles, (Rick Vest, President; James Michael Bowers, Vice-President; and Roma Amundson, Secretary) be retained for the upcoming fiscal year.

Schorr moved to approve the election of officers.

Raybould seconded the motion. Motion approved 4-0.

Order No. 21-05: Report of Statement of Financial Activity

Dennis Meyers attended the meeting on behalf of Ron Rhode from the County Budget and Fiscal Office and delivered the report of financial activity for the RTSD. The Fiscal Year closes on June 30th and the Financial report was prepared as of May 21, 2021. Myers reviewed the receipts and disbursements for the current fiscal year through May 21, 2021. Total Disbursements were \$1,028,512. Total receipts for the period were \$4,478,518, comprising of tax receipts in the amount of \$4,208,415; Project cost reimbursement & Misc. reimbursements of \$151,766 and Investment interest income \$118,338. During the period of the report, disbursements included: commissions, and refunds to State of Nebraska in the amount of \$77,678; operating costs in the amount of \$53,328; and construction project costs in the total amount of \$897,506; for total disbursements of \$1,028,512. For the period, the ending cash balance was \$795,350, and the ending investment balance was \$13,635,017, for a total fund balance of \$14,430,367. There is a need to continue to grow RTSD funds in order to pay for the costs associated with the 33rd & Cornhusker Hwy project. It has been discussed several times in the past that the RTSD levy will need to be raised in order to fund ongoing projects under the existing capital improvement project (CIP) schedule.

Schorr moved to accept the Statement of Financial Activity.

Raybould seconded the motion. Motion approved 4-0.

Order No. 21-06: Report of Current Budget

Figard reported that the budget is on track as the RTSD approaches the end of the fiscal year. Figard reported that the budget sheet posted on the RTSD website showed an incorrect cutoff date for expenditures for the Construction Projects. The correct date is May 21, 2021. Additional payments made since the cutoff date include the second half payment for the Superintendent, a small invoice to Crosby Guenzel, and a payment in miscellaneous engineering for the SE Lincoln QZ project.

Order No. 21-07: Consideration of Rosa Parks Trail Interlocal Agreement

Paul Zillig, General Manager of the Lower Platte South Natural Resource District (LPSNRD) updated the Board on the past and present progress of the Rosa Parks Trail project. The current Interlocal Agreement expires in September 2021, which provided for RTSD funding of the project in the amount of \$50,000. The LPSNRD requested an Amendment to extend the term of the Interlocal Agreement for an additional two years, with a 50/50 cost share for the local portion of the project costs. Based upon updated cost information, the proposed amount of RTSD funding would be \$172,155.

Schorr moved to revise and extend the term of the Interlocal Agreement (for a period of two years) with a \$50,000 payment to LPSNRD to be made in the current fiscal year and the remaining share of the costs (estimated to be \$122,155) would be made within the FY 2021/2022 Budget for a maximum of \$172,155 and authorizing the Board President and Executive Director to sign said agreement after review and approval by legal counsel

Raybould seconded the motion. Motion approved 4-0.

Order No. 21-08: Consideration of FY 2021/22 Budget

Figard reviewed the FY 2021/22 Budget in which the only project in the CIP is the 33rd & Cornhusker Hwy project; and Figard requested an amendment to the budget to reflect the additional commitment for the Rosa Parks Trail project, which increased from \$50,000 to \$122,155 for the next fiscal year.

Raybould moved to approve the Amended FY 2021/22 Budget & CIP with the amended Amendment for The Rosa Parks Trail.

Schorr seconded the motion. Motion approved 4-0.

Order No. 21-09: Consideration of Levy Requests

Figard stated that he is optimistic that the County Board is 'open' to returning the levy to what it was two years ago. The current levy is set at \$.014717 per hundred dollars of actual property valuation and Figard's recommendation to the Board is to request the levy to be set at \$.02217, per hundred dollars of actual property valuation.

Bowers moved to approve making a request to the County Board for a levy of \$.02217 per hundred dollars of actual property valuations.

Raybould seconded the motion. Motion approved 4-0.

Order No. 21-10: Consideration of Additional 1% Lid Authority

Figard provided the Board with a reminder that LB 989 (passed in 1989) placed a lid on a number of restricted funds of government entities, but he indicated that there are provisions in the law that allow an increase of the budget by 1% if approved by three-fourths super-majority vote of the governing body. Such an approval does not immediately increase the budget and it only allows for the potential for an increase in the budget in the future, as needed, by subsequent action by the Board.

Raybould moved to approve the increase of the additional 1% Lid Authority.

Schorr seconded the motion. Motion approved 4-0.

Order No. 21-11: Report of Project and Crossing Updates

Agenda Item 11.a: Humphrey reported on the 33rd & Cornhusker Hwy Project. Work continues with Olssons and the RTSD is currently reviewing the plans that were submitted. The NEPA document will follow. We are still on schedule for a formal public presentation in early 2022, followed by review and approval of the NEPA documents and then final design and ROW acquisitions in 2024-25 with Construction starting in 2026. We are coordinating with the Dead Mans Run Project, and there will be some overlapping ROW tracts that will be acquired for both projects. The website has been periodically updated since we were not able to have any open houses with the Covid restrictions this past year.

Agenda Item 11.b: Meisinger with FHU presented a brief overview on Quiet Zone Requirements and potential requirements for each railroad crossing along the Highway 2 corridor. There are twelve public and two private crossings currently being studied for this quiet zone. A diagnostic meeting to review the proposal and necessary equipment at each crossing is the next step with respect to this study. BNSF and OPPD will require the RTSD to enter into a Third-Party agreement in which the RTSD agrees to pay the Railroads to have a separate Engineering Company attend the Diagnostic Meeting and review the Quiet Zone plans on behalf of the Railroads. That agreement is currently being drafted by the Railroads. To keep the study moving ahead, Figard asked the Board to consider a motion to authorize the Board President and Executive Director to sign a Third-Party agreement based on approval to form by the RTSD Attorney.

Raybould moved to accept the Report of Project and Crossing Update and authorize the Board President and Executive Director to sign a Thirty-Party agreement if it met the conditions stated by Figard. Schorr seconded the motion. Motion approved 4-0.

Order No. 21-12: Communications/Correspondence (Placed on File)

Figard stated that communications have dropped off quite a bit since the last RTSD meeting. There have been reminders from individuals about wanting the Highway 2 Quiet Zone, but also a couple of comments from citizens indicating that they like hearing the train horns.

Several letters were received from Pro-Rail Nebraska about the possibility of additional freight being moved along the Highway 2 corridor.

Order No. 21-13: Non-Agenda Items/Public Comment - None

Schorr moved to adjourn.

Raybould seconded the motion. Motion approved 4-0.

The next meeting is presently scheduled for Tuesday, September 7, 2021 at 11:00 a.m.

Meeting adjourned at 12:31 p.m.

Prepared by: Mary Lowe, Transportation and Utilities

Minutes 06-07-2021