



**RAILROAD TRANSPORTATION SAFETY
DISTRICT**

Board Meeting
Tuesday, March 1, 2022

Meeting Began At 11:00 a.m.

Meeting Ended At: 11:52 am

Members Present: Deb Schorr, Jane Raybould, Rick Vest, James Michael Bowers, Roma Amundson, Tom Beckius

Members Absent:

Others Present: Roger Figard, Mary Lowe, Dennis Meyer, Bill Kutilek, Tony Jerina, Kris Humphrey, Aaron Keller, Amy Cornelius Jones

Order No. 22-01: Call Meeting to Order; Approval of Previous Minutes

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 today's meeting were posted on the RTSD website on February 23, 2022. The RTSD website is also accessible by links from both the City of Lincoln and Lancaster County official government sites. In addition, on February 23, 2022, the Meeting Agenda was posted on the bulletin boards 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 made 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.

First item on the agenda is the approval of the minutes from the December 6, 2021 meeting. The minutes are available for review on the RTSD website: <http://lincoln.ne.gov/city/ltu/rtsd/>.

Beckius moved to approve the minutes from the December 6, 2021 meeting.

Amundson seconded the motion. Motion approved 6-0.

Order No. 22-02: Report of Statement of Financial Activity

Dennis Meyer from the County Budget and Fiscal Office delivered the report of financial activity for the RTSD. Meyer reviewed the receipts and disbursements for the current fiscal year through February 11, 2022. Total receipts for the period were \$2,778,166, comprising of tax receipts in the amount of \$2,523,267; project cost reimbursements of \$227,472 and investment interest income for the period in the amount of \$27,427. During the period of the report, disbursements included: commissions, and refunds to State of Nebraska in the amount of \$46,156; operating costs in the amount of \$24,030; and construction project costs in the total amount of \$346,251; for total disbursements of \$416,437. For the period, the ending cash balance was \$1,615,262, and the ending investment balance was \$14,854,444, for a total fund balance of \$16,469,706.

Amundson moved to accept the Statement of Financial Activity.
Raybould seconded the motion. Motion approved 6-0.

Order No. 22-03: Report of Current Budget

Order No. 22- 04: Report of Draft Budget

Figard briefly reviewed the existing budget and presented a Proposed/Draft Budget. In the proposed budget, Figard proposes a slight increase for the auditing and budget contract for next year. In the FY 2022 Capital Projects budget, the majority of expenses have been for the 33rd & Cornhusker Project, and Figard recommends \$600,000 in that account for FY 2023. Figard also proposes extending the Salt Creek/1st & J Project into the next Fiscal Year, as the RTSD has not been invoiced yet and this may carry over to the following fiscal year.

Board Member Jane Raybould ask if we should provide money for the SE Lincoln QZ study. Figard responded that if the proposed budget is approved in June and if there is a request and approval of the Board to adjust the line items, an Amendment to the Budget could be considered and subsequently approved by the Board.

Order No. 22-05: Consideration of Audit Budget Contract

Figard presented and recommended approval of HBE's proposed contract for annual Auditing and Budget preparation services for FY 2022/2023. Mr. Jerina acknowledged HBE's desire and willingness to serve the RTSD. The proposed contract represents a 4% increase over the current year's expenses or a total of \$13,725.

Schorr moved to approve the Audit and Budget Contract with HBE
Beckius seconded the motion. Motion approved 6-0.

Order No. 22-06: Consideration of Legal Contract

Figard presented and recommended approving a Crosby Guenzel Law Firm annual contract for FY 2022/2023. The rates in the proposed contract represent a modest increase to the rates for the current contract. Mr. Kutilek acknowledged the Firm's desire and appreciation to continue to serve as the legal counsel for the RTSD.

Raybould moved to approve the Legal Contract with Crosby Guenzel Law Firm
Amundson seconded the motion. Motion approved 6-0.

Order No. 22-07: Consideration of Executive Director Resolution

Bill Kutilek (RTSD Counsel) presented a proposed Resolution to the Board to renew its designation that Roger Figard continue serving as the "Executive Director" of the RTSD. Kutilek stated that pursuant to the long-standing Interlocal Agreement with the RTSD, the City agrees to provide administrative support to carry out the functions of the RTSD. By Resolution dated June 24, 2004, the RTSD Board previously designated Figard as Executive Director, at a time when Figard was a City employee. Since the City now contracts with Figard's consulting firm (RAF, LLC) to fulfill its obligations under the Interlocal Agreement, Kutilek recommended to the Board that it is appropriate to renew its designation that Figard serve at the pleasure of the Board as its Executive Director.

Amundson moved to approve the Resolution designating Roger Figard as the Executive Director of the RTSD.

Beckius seconded the motion. Motion approved 6-0.

Order No. 22-08: Report of Project and Crossing Updates

Agenda Item 10.a: 33rd/Cornhusker Project. Humphrey reported on the 33rd & Cornhusker Hwy Project. The RTSD did hold an in-person public meeting and we are currently responding to the comments that were received. In the next few weeks, the Draft Environmental document will be submitted to the RTSD for review and then to NDOT for review, and finally to the Federal Highway Administration, with a present expectation that the required Public Hearing would be held in late 2022 or early 2023.

Agenda Item 10.b: Consideration of Financial Requests

1. *Operation Lifesaver*; Figard reviewed and recommends approval of the \$300 Sponsorship request.

Amundson Moved to approve the Operation Lifesaver Invoice
Raybould seconded the motion. Motion approved 6-0

2. *Lancaster County OPPD Signs and Beacons*; Figard reviewed and recommends paying the invoice that was submitted by the County in the amount of \$29,718.47, which includes the amount that the Board previously approved in the amount of \$10,928.03.

Schorr Moved to approve the Lancaster County Invoice
Amundson seconded the motion. Motion approved 6-0

Agenda Item 10c: Highway 2 Quiet Zone. The RTSD has received, reviewed, and will sign the 3rd party agreement with BNSF and OPPD, and Figard reported that due to cost increases, the contract amount has increased to \$55,237. The parties are currently working on dates to schedule the meeting in April to review the crossings.

Order No 22-09: Communications/Correspondence

None received.

Order No. 22-10: Non-Agenda/Public Comment

No one came forward.

Amundson moved to adjourn. Raybould seconded the motion. Motion approved 6-0.

Meeting adjourned at 11:52 a.m.

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

Prepared by: Mary Lowe, Transportation and Utilities

Minutes 03-01-22