

# RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting  
June 19, 2000

Meeting Began at: 8:10 am  
Meeting Ended at: 9:11 am

Members Present: Coleen Seng, Bernie Heier, Jonathan Cook, Linda Steinman, Jon Camp, Bob Workman.

Others Present: Roger Figard, Larry McNeel, Bruce Sweney, Roger Ohlrich, Melissa Ramos, Michelle Maly, Amy Cornelius, Public Works and Utilities; Dick Nuernberger, County Treasurer, William Kuester, Attorney, Jan Croutch, Ueberrhein & Micek; and Harlan Layton, Private Citizen.

## **Order No. 00-08 Call to Order. Approval of Previous Minutes**

Coleen Seng called the meeting to order and asked for a motion to approve the previous minutes. Linda Steinman motioned to approve; Bernie Heier seconded the motion. The vote was unanimous.

## **Order No. 00-09 Report of Treasurer**

Dick Nuernberger read the Treasurer's Report. As of June 12, 2000 the district had investments in various banks for a total of \$14,495,484.94. The District's checking account balance was \$94,547.14 as of June 9, 2000. The County Collections balance for the district was \$680,358.96 as of May 31, 2000.

The investments in various banks are in CDs. We are generally earning just a little over a 6% interest rate on the investments. Linda Steinman mentioned that some banks offer 7¾% interest rates for CDs. Dick noted that interest rates are generally set by NBC and interest rates continue to go up as we turn the investments over.

Coleen asked for a motion for approval of the Treasurer's Report. Jon Camp motioned to approve; Bob Workman seconded the motion. The vote was unanimous.

## **Order No. 00-10 Legal Services Contract**

Roger Figard presented the Draft Legal Services Contract for Crosby Guenzel. The RTSD Board has not formally signed a contract to provide legal services for the past year or two. The draft was sent to board members previously, and Roger asked that the board annually evaluate and sign a contract that would spell out the conditions of their service. At this point in time the Board has not requested RFP's or gone through a selection process. Roger noted that the RTSD

exists today because of the foresight of this law firm. The rates are competitive, and Roger feels comfortable and confident in the advice that he receives from them. Roger recommended that the Board continue to use the legal services of Crosby Guenzel. He then asked for questions or concerns from the Board members.

Roger explained to the Board members that although the \$500.00 retainer fee only covers the four annual Board Meetings, additional fees for other consultations are reflected in the proposed budget for the upcoming year. Linda Steinman motioned for approval of the legal contract; Bernie Heier seconded the motion. The vote was unanimous.

### **Order No. 00-11 Auditing Services Contract**

Roger presented the draft contract for the Auditing Services provided by Ueberrhein & Micek. This is a similar situation to the previous item. Ueberrhein & Micek has provided auditing services and budget preparation annually as well as answering accounting questions from staff. Roger recommended that the Board formally approve a contract for the services that they provide. Roger then introduced Jan Crutch from Ueberrhein & Micek, and mentioned that she could answer any questions or concerns that the Board might have.

Jon Camp motioned for approval of the Auditing Services Contract; Linda Steinman seconded the motion. Coleen opened the floor for any comments from the public and the Board. There was no response. The motion was passed with a unanimous vote.

### **Order No. 00-12 2000/2001 Budget Approval**

Roger handed out a schedule and outline of the budgeting process that Jan Crutch had prepared. Our allocation requests are due to the County by August 1, 2000. The County would have to let the RTSD Board know by September 1, 2000 if they would approve any budget that the Board had recommended. An RTSD meeting will need to be set for the first week of September to approve any budget or changes that the County may send back. Budget forms are due September 20, 2000.

Roger discussed some minor changes to the draft budget previously sent out to the Board. There has been an increase in the operating budget, the requested amount is \$95,250.00. The management salary has increased, and by interlocal agreement a certain percentage of that must be reimbursed by the City. The support staff budget previously only covered secretarial and administrative staff, however, as databases and better record management systems are built additional money is needed. This is also accounted for in the operating budget increase. The money set for the Contingency Contractual Services has not been used to date. It was brought forward with the idea that if it is needed it is there, and it would be a specific line item to work off of. The auditing and legal services have both been increased to cover and be consistent with

what was spent this last year. Travel expenses are still included, although there is no intention for staff to travel anywhere at this time. Maintenance for the 3<sup>rd</sup> & 'F' Street Underpass has also been included into the operating budget. This concludes to a \$12,500.00 increase.

Roger suggested a \$250,000.00 budget for crossing improvements. The RTSD has spent just a little under \$35,000.00 to date.

The \$10,000.00 for the Van Dorn Relocation Project must be carried over until the State finishes their audit on it.

The Strategic Vision plan has been budgeted \$100,000.00. It is still a project that Roger would like to see the RTSD do. As the City and County bring forward the Comprehensive Plan, the Board can see what kind of changes and directions they may have in this project.

The 'X' Street track Relocation project is making excellent progress, to date \$4,367,252.87 has been spent. An extra \$3,000,000.00 has been budgeted to finish the project. Roger is hopeful that the tracks will be out by Christmas.

None of the \$205,000.00 that was budgeted for the Firth Road Overpass has been spent. Roger recommended that we reappropriate that money for next year.

The S. 27<sup>th</sup> & Saltillo Road Project has been indefinitely postponed, but will be kept on a list until what will happen with the South Beltway is determined. If the South Beltway comes forward, that project will be significantly revised or be incorporated in with the South Beltway. If the Beltway does not come forward, the Board will want to revisit the crossing on Saltillo and bring this project forward.

The Antelope Valley project continues to move forward. The district has paid the City the \$350,000.000 for this year. Next year \$1,500,000.00 has been proposed, which is anticipated to help with the beginning of design and to start to move into construction. This is all dependent upon finishing the environmental report and it being voted to convert this study into a project. If it is not converted into a project, then the money would not be given to the City and would be available to support other projects or to stay in the cash balance and reduce the levy in the future. It would require the Board to bring forward an interlocal agreement before a project expenditure is made.

No money was budgeted for the 3<sup>rd</sup> & 'F' Street Underpass. \$31,823.18 was spent for final construction and clean up that was not completed the year before.

\$265,712.74 was spent on the engineering for the 3<sup>rd</sup> & 'A' Street Overpass. \$5,000,000.00 is proposed for the upcoming year and \$5,000,000.00 for the second year for a total \$10,000,000.00

project. The cost of the overpass remains consistent, however, the cost to rebuild or relocate tracks continues to go up. There is a contingency plan that is being worked on. Olsson Associates have been keeping the public informed, a newsletter had come out just last week. Roger will be meeting with Union Pacific Officials to try to finish up the agreements on this project.

The new project on Southwest 40<sup>th</sup> Street has become a high priority for the Burlington Northern Railroad. They would like to either close SW 40<sup>th</sup> or have a grade separation as they continue to work trains out of the west end of Hobson Yard. There is \$250,000.00 proposed for this project in the budget. There has not been any kind of selection process for a consultant. Contracts would have to be brought back to the Board for approval before this project could be moved forward.

\$23,184 has been spent in administration as it relates to the Pedestrian Overpass for the baseball project. \$1,000,000.00 was budgeted for the Pedestrian Overpass, it has been reduced to \$976,816.00 to stay with the \$1,000,000 proposed appropriation. Land acquisition has been done for the Union Pacific track. \$212,895.00 has been spent and no money has been rebudgeted.

A new project that was not on the previous list is the Journal Star 8<sup>th</sup> & 9<sup>th</sup> Street Track Removal. The Journal Star has indicated a willingness to allow the tracks in 9<sup>th</sup> & 8<sup>th</sup> Street to be removed. They are willing to allow them to be removed as long as it does not cost them much money. Roger suggested to the Board that this is exactly the kind of activity that the District was created for. \$200,000 has been budgeted to put back concrete for street crossings, sidewalks, curb and gutter, and to leave some open space as it fits with the City's Entry way Corridor Landscaping concept. However, this is not enough money to remove the tracks and the ties. Roger will be meeting with the Journal Star's Legal Representation, in the hope of finding contractors that will remove the rail and the ties for the salvage value. This project then increased the overall budget.

Attached is the six year Capital Improvement Program which shows the fourteen projects and a six year cash flow. By the fifth year, the District will be in the negative. Although the philosophy has always been that the district should always maintain \$1,500,000.00 cash balance, Roger feels comfortable moving forward until it is know if the Antelope Valley Project will be moving forward. Recommendations would then need to be made as to changes to the schedule of some of the projects. Roger then asked for questions or concerns from the Board.

Bob Workman expressed concern over the RTSD paying for the maintenance of the 3<sup>rd</sup> & 'F' Street Underpass. The RTSD may not be the entity that should maintain the crossings after they are built. He was also concerned with the increase of the 3<sup>rd</sup> & 'A' Street project budget.

Roger explained that the 3<sup>rd</sup> & 'A' Street Project previously had a budget of \$6,500,000.00. In order to abandon the tracks in 4<sup>th</sup> Street and to abandon the tracts that go through Wilderness

Park to Yankee Hill Road, Union Pacific has asked the District to build 15,000 feet of new track adjacent to the airport. This is one of the reasons that the cost has increased. We may be able to negotiate some of the cost with Union Pacific, however, it was put in the budget to be aware that it could cost that much and to see how it affects the cash balance of the account.

Bill Kuester then came forward to explain that statutes give the district the authority to enter into contracts for the purpose of maintenance on the works of the districts. The district does have the power to end the 3<sup>rd</sup> & 'F' Street maintenance contract, if that is what the board would like to do.

Bob then asked if the RTSD did not maintain the underpass would it be a City expense, and if so could the City do it cheaper? Roger stated that the city could not do the maintenance cheaper.

The City would have to get an outside service contract for someone to come in and do the work.

The Downtown Lincoln Association (DLA) said that they would not do the work because it is too far out of their area. All other divisions and departments within the City will be reluctant to do the maintenance. The RTSD could potentially be responsible for maintaining other railroad crossings. Currently, the RTSD is responsible for removal of snow, mowing, picking up trash, and graffiti removal at the 3<sup>rd</sup> & 'F' Street Underpass. This particular underpass is unique because the district closed the street, therefore, the Public Works Department could say that it is not their responsibility. There was a trail built, but since the trail doesn't go anywhere, the Parks Department could say that it is not their responsibility. Therefore, the District got stuck with this.

Jon Camp wanted to follow up on 3<sup>rd</sup> & 'F' and calculated that it figures up to 1.2% of the proposed 2.9 million dollar tax that is estimated. He wanted everyone to be looking for an alternative. Roger offered to speak with the new Parks director and the Public Works Director and see if maintenance could not be turned over to the City.

Coleen asked if there is anything else in the City similar to this underpass. Roger explained that 3<sup>rd</sup> & 'F' is different because the trail goes from cul-de-sac to cul-de-sac, and the District closed the street.

Linda asked what would happen if the RTSD deleted the maintenance item from the budget, would the City then have to take over? Roger felt that the underpass would quickly fall into disrepair. There would then be citizen complaints regarding the underpass.

Roger summed up by stating that today the Board need only to approve the projects and activities in the proposed budget. That would allow the Board to send the information to the County to analyze. The County board must then evaluate this information along with information from other political subdivisions. They will then determine if they can support the 2.6 cent levy the RTSD Board is recommending. In September the Board would formally adopt a budget under any changes that the County sends down.

Bob Workman then mentioned that the County Board has had requests that appear to total more than the 15 cent lid. Roger expressed his appreciation to Bob for mentioning this to the Board.

Linda Steinman motioned for approval of the budget with the condition that this be the last year that maintenance for the 3<sup>rd</sup> & 'F' Street underpass be approved as part of the budget. Bob Workman seconded the motion also requesting that Roger check into alternative maintenance providers. Coleen Seng opened the floor for public comment, there was no response. The motion passed with a unanimous vote.

**Order No. 00-13 Non-Agenda Items**

Roger introduced new staff to the Board: Jan Croutch from Ueberrhein & Micek; Melissa Ramos the new Administrative Aide in Engineering Services; and Amy Cornelius the new Office Assistant in Engineering Services.

Coleen Seng suggested setting the next RTSD Board meeting. The next meeting was set for Tuesday September 12, 2000 at 8:00 am.

Linda Steinman motioned to adjourn. Bernie Heier seconded the motion. The motion was passed with a unanimous vote.

Prepared by: \_\_\_\_\_  
Melissa Ramos, Administrative Aide I