

# RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting  
September 2, 2002

Meeting Began At: 10:00 A.M.  
Meeting Ended At: 11:03 A.M.  
Members Present: Coleen Seng, Ray Stevens, Jonathan Cook, Glenn Friendt, Bob Workman, Larry Hudkins  
Members Absent: None  
Others Present: Roger Figard, Fran Mejer, Dick Nuernberger, Bruce Sweney, Bill Kuester, Tom Leikam, Harlan Layton, Tina Mackel

## **Order No. 02-18 Call to Order. Approval of the Previous Minutes.**

Seng called the meeting to order. Friendt motioned to approve the minutes. Workman seconded the motion. Motion approved 6-0.

## **Order No. 02-19 Report of Treasurer.**

Dick Nuernberger presented the treasurer's report. As of November 13, 2002, the District had investments in various banks totaling \$11,322,953.40. As of November 26, 2002, a balance of \$1,303,127.68 was carried in the District's checking account. As of October 31, 2002, the County Treasurer's balance for the District was \$716,882.73.

Workman motioned to approve the treasurer's report. Stevens seconded the motion. Motion approved 6-0.

## **Order No. 02-20 Election of Officers.**

Figard stated that we would like to keep one City Council Member and one County Commissioner in the Chairperson and Vice Chairperson positions. This will continue to show the sharing of equal responsibility.

**Chairperson** - Hudkins nominated **Coleen Seng**. Stevens seconded the motion. Motion approved 6-0.

**Vice Chairperson** - Workman nominated **Ray Stevens**. Friendt seconded the motion. Motion approved 6-0.

**Secretary** - Friendt nominated **Jonathan Cook**. Hudkins second the motion. Motion approved 6-0.

## **Order No. 02-21 Approve 2002/2003 Budget.**

Figard stated that we had reviewed in June a proposed draft budget and then that was all contingent on where the County Board was going to be with their 15 cent levy. A couple of things have happened since then. I sent you an August 2 memo letting you know that I was going to be recommending increasing the budget for the 3rd and A Street project in order to sign a contract, because the RTSD does not carry over automatically. The funds must be reappropriated each year in the budget. I'd recommended that first year amount be increased to \$10,500,000. However, the budget that is in front of you shows only a \$10,190,000 after receiving information back from the County Board that the levy was to be reduced to 0.021954. I took the liberty of reducing the 3rd and A Street to \$10,190,000 which will give us more than enough money to sign a contract. We don't expect that project to be

done in its entirety in this fiscal year so some of that money will have to be reappropriated, but from a budgeting standpoint, we need the money in the budget to sign a contract. Project 7 includes increased funding in year 2002/2003 and eliminating the funding in 2003/2004 so the contract can be signed at \$10,190,000. Project 8, Harris Overpass replacement: we are going to delay that project and need to make sure we get the Capitol Parkway West and Hwy 77 interchange built before we start on Harris. At the same time that the District is doing the 3rd and A Street overpass, we found that the Salt Creek and A Street Bridge was deficient. We are proposing to move that in as a new project and rebuild it. The City would rebuild that along with the 3rd and A project. We've taken State bridge replacement money from Harris and moved it down into the Salt Creek and A Street project. We took \$500,000 away from project 8 and put it in a new project "A Street Salt Creek Bridge," which left a balance of \$375,000 in the Harris Overpass. The bottom line on the rest of the Capitol projects doesn't change at all other than the reduction of what we had proposed on the 3rd and A. The operating budget stayed the same as what we had proposed. Previously, my judgment has been to keep our cash balance at a minimum of \$1,500,000. This cash flow in the first year would go down to \$30,000. I don't believe that will happen because we will have to reappropriate money. It won't all be spent in this year's budget. The District is rapidly approaching the end of our ability to fund more than one project and to fund more than one significant project every two or three years. The reduction in the levy is around \$500,000 in cash coming in. As we finish 3rd and A, having around \$3,000,000 a year coming in and no bonding authority if the District has projects, they will have to allow the revenue to come in and wait until it is in the bank and then award a contract. We may want to discuss further bonding authority issues in this upcoming year. We will no longer have the luxury of having \$10,000,000 - \$15,000,000 laying in the bank available for moving forward on some projects. I think the pressure in setting priorities will become greater as we move into the future. The budget that has been prepared and passed out to you does reflect the County levy that was proposed.

Cook asked if we have to have the full amount in the bank when we start a project.

Figard replied that without bonding authority, we are at the mercy of the cash receipts that will come in over the course of the year.

Stevens stated that the County Board wrestled with the 15 cent levy because we recognized the RTSD needs but it was my feeling that within that limit of 15 cents, we also had to fund the rural fire districts. There was a critical need in terms of public safety for the Raymond Fire District which lost the ability to tax the Kawasaki property. I felt that was a higher priority need but would certainly be willing to look at this again next year.

Figard stated we used the reduced levy in 2002/2003 but for purposes of planning, I did ask our staff to use the 0.026 in future years. The Board can give us direction if this is not the way we should be planning. Then these cash flow projections would need to be further reduced in future planning activity.

Workman agreed with Ray that the fire departments are part of the 15 cent formula and believes the real driving force came from the libraries. If it had not been for that, I think we would have been at the 0.026. He asked how we justify A Street, Salt Creek Bridge because there is not a bridge over a railroad.

Figard replied that there is a railroad track on the west end of it that has to be rebuilt, reconfigured and widened when the City builds the bridge. The crossing needs to be upgraded, the grade, the width and new signals and protection need to be changed.

Hudkins added that the big increase in the 15 cent lid was due to the libraries.

Friendt asked if the libraries have always been a significant portion of the 15 cent lid for the County.

Workman replied that it's been the precedent of the County Board for quite a number of years to keep libraries under that 15 cent lid.

Cook motioned to approve the budget as presented with the County levy at 0.021954 per \$100.00. Stevens seconded the motion. Motion approved 6-0.

Figard stated that he failed to put an item on the agenda. Kurt Micek is prepared to give the Board a quick update on the audit and operations for the last year.

Hudkins motioned to amend the agenda. Stevens seconded the motion. Motion approved 6-0.

Micek stated he has completed the audit for the RTSD for the year ending June 30, 2002. One thing to point out is the reduction in the fund balance of \$1,430,781 for the fiscal year ended 2002, which is primarily due to the decrease in the interest income and decrease in property taxes. The interest income is having an effect on the amount of funds that are being carried by the District. That amount went from \$929,371 of interest income to \$505,168. Another difference is the timing of the 3rd and A Street project which is having an effect as far as the timing of the expenditure. I met with Roger, Richard and Fran this morning to go over some administrative issues of the District. We did note that the timing of interest checks that were coming into the County Treasurer's office.

We are recommending that those get deposited more frequently, at least on a weekly basis. We are recommending more coordination and have Fran help make that become more current for better internal accounting. The other recommendation is the timing of the transfers from the County Treasurer's office to the District. Usually those are transferred on a monthly basis into their accounts but they were done quarterly again this year. Because of the decrease in interest income and decrease of the levy, we would like to get it invested as fast as possible.

Hudkins asked if this decision was made administratively and does the Board have input in that decision.

Figard replied that the auditor's report had suggested that we needed a little more care on the timing and finances coming in. Seeing that we had the same comments from the auditor this year, I administratively took it upon myself to take the recommendation and meet with the City and County staff that is involved in that. We felt that it was our responsibility to find a way to make sure that money coming in gets where it's supposed to be and be managed well.

Hudkins asked how often will it be transferred.

Micke replied that it will be transferred monthly.

Friendt said that the change is well within the realm of an administrative decision and concurs with it as long as it is following normal business practice. Monthly is well within reason.

Workman added that it's very appropriate to take that action administratively. The only concern is that Dave Kroeker knows because he is the person in charge of determining what our revenue is.

Figard replied that it will be discussed with him.

Friendt motioned to accept the audit report. Workman seconded the motion. Motion carried 6-0.

Figard addressed the Board about exceeding the limit by 1%, but did not bring that resolution this year. We may want to readdress that and see how finances are next year.

**Order No. 02-22      Approve 3rd & A Construction Contract.**

Leikam gave a brief update on the project. We advertised and received bids for the project on August 21. We had 6 that provided bids for the project. The low bidder was Hawkins Construction Company with \$6,234,392.23 which is roughly \$30,000 less than what we had originally anticipated the cost of this project would be back in 1999. It would be our recommendation that the RTSD Board vote to award a contract to Hawkins Construction. They would like to proceed with construction work this fall, possibly starting in the week of September 16 so that they can get started on the bridge construction. We have received contracts for bids on the demolition work and that was awarded to Brandt Excavating of Lincoln. The demolition work is going to be starting this week. The work that is associated with removing the buildings and clearing the tracks to allow for the bridge and roadway construction should be starting this week and hopefully finished by the end of this month.

Frient asked if a lane will be opened to maintain access during the construction on the bridge.

Leikam replied that traffic will be maintained on A Street in and out of the neighborhood. The Salt Creek Bridge replacement at West A Street will be advertised for bids in December, 2002 with the work starting in the end of February, 2003. When that project starts, A Street will be closed at Salt Creek but you will still have access in and out of the neighborhood to the east from 9th and 10th Street along A Street. The alternative that was selected for 3rd and A shifts the new bridge and roadway south of the existing A Street, so the existing A Street will remain in place as a local frontage road to serve those homes. You will have access in and out of the neighborhood from the east along A Street until the final 6 weeks of the project when they have to do a one block paving section on A Street between 5th and 6th. At that point in time, they will have to utilize some of the local roads to the north. If you are on the other side of Salt Creek, when the Salt Creek Bridge project begins, A Street will be closed at Salt Creek. At that point in time, traffic will have to be detoured utilizing Folsom Street. I have not had any discussions with the City's Traffic Engineering Department to see if they are going to detour them to the K & L Capital Parkway West or if it's possible for a detour over to South Street. That project will be running concurrent with the 3rd and A work that will be going on in 2003 and will be looking at opening that in November, 2003.

Cook asked what will happen during the construction process when A Street is blocked off at the tracks on both sides.

Leikam replied that access will be maintained across the 3rd Street tracks until we actually have the roadway open and we have traffic going across the new bridge. At that point in time, they are going to take the active warning devices at 3rd Street and move them over to the 5th Street track.

Friendt stated the he has received some information from a national watchdog source that implies that the reason Hawkins can do construction projects so cheap is because of their safety record, the laborers, etc. is not quite up to par.

Leikam stated that he is aware of that information and has talked with the Nebraska Department of Roads. They have indicated that they have had no problems in regard to the safety performance of Hawkins Construction. Hawkins has always performed very well in regard to what the Department of Roads has provided in terms of their projects in the past.

Seng complimented Tom on his working relationship with the neighborhoods.

Stevens motioned to approve awarding the 3rd and A Street contract to Hawkins Construction Company for \$6,234,392.23. Friendt seconded the motion. Motion approved 6-0.

**Order No. 02-23**

**Approve Construction Phase Services with Olsson Associates.**

Figard referred to the construction phase service agreement with Olsson's for just under \$250,000. Olsson Associates has performed very well in understanding some difficult issues down in the neighborhood area. Tom and the staff have worked very well, not only with them but also with the railroad and have balanced some very delicate issues. As we go into construction now, the City of Lincoln, thru an additional interlocal agreement with the District, is intended to provide the day to day inspection on-site. Charlie Wilcox has a great deal of experience with bridges. We also intend to keep Wynn Hjernstad included. She and Charlie will continue to work together but the plans, the specifications, the ownership of those plans still rests with Olsson Associates. We believe it is important for their continuance in this process. Olsson's then continues to own the construction phase services and would also review, concur and pay estimates that Charlie Wilcox would forward on to myself to be paid. This is a continuation of using the private sector and the public sector in amending their contract to provide construction phase services for the rest of the project. Those dollars are also included within the project budget. There are resources for paying the continued contract to Olsson's, paying Hawkins and the demolition contract that we awarded a couple weeks ago.

Friendt asked if that is within the \$6.2 million that we just approved.

Figard replied that it is not within the \$6.2 million. It is in the \$10,190,000 project budget that is in the District budget.

Cook motioned to approve the construction phase services agreement with Olsson Associates in the amount of \$249,500. Stevens seconded the motion. Motion approved 6-0.

**Order No. 02-24**

**Non-Agenda Items**

Figard stated that the City, thru Public Works, Engineering Services, has selected a consultant Kirkham Michael out of Omaha to do a 2-phase study. The consultant has been asked to study whether or not Southwest 40th Street should be left open or closed as an at-grade intersection or road. In the very short interim, phase 1 of the study is to ask the consultant the ramifications of closing 40th Street, what would that do to traffic and emergency access in and out of the area. Upon receiving that information back, the City, District and County would be in a position to address issues for Don Thomas. One is the replacement of the Middle Creek Bridge. If we build an overpass, that would affect the design of the bridge. If we close 40th, it affects land locking on the south side of the tracks. Being in the study, the City would be doing the work and the District would be a "funding" agency for that work. I would propose to bring an interlocal agreement back to the Board at our next quarterly board meeting to authorize that expenditure of budget funds to be paid to the City for the work as that study gets done. By our next board meeting, we should have an answer to the phase 1 question.

Hudkins stated that there are a lot of cars that would like to use Southwest 40th but because of the multiple railroad tracks, it isn't always available. The County has gone to a great deal of money and expense to expand and upgrade 40th Street onto the south. It does need study.

Figard added that if a decision was made or recommended to move to Southwest 48th, some huge environmental and fiscal challenges would be in front of the District in building a transportation corridor across there.

Hudkins stated that the local people see an overpass as being the long term solution but it is good to do a study and look at all of the alternatives before we commit to a course of action.

Friendt asked if there is a study for an overpass at Hwy 2.

Figard replied that no, there is not. We have talked about doing a County wide study of all the crossings and trying to set priorities. The railroad has worked with us and has blocked out 2 periods of time that they have said they will not run trains during the morning and afternoon peaks to try to reduce that congestion and conflict as long as they can.

Stevens asked if the \$250,000 in the budget for Southwest 40th Street is for the study done by Kirkham Michael.

Figard replied that yes it is. During the first phase, they are not authorized to spend any money or move into the second phase until we have given them written notice to move ahead with the second phase. The City did go thru a formal RFP selection process for selecting the consultant for this work as part of the study. Another issue is a housing cleaning item regarding an interlocal agreement between the District and the City of Lincoln. Currently, the governing interlocal agreement says that the Executive Director duties would be handled by the City Engineer and the City would be compensated 25% of the salary of a Civil Engineer III position. We no longer have a Civil Engineer III position in our classified service. At the next board meeting, I would propose to bring you an amendment to that interlocal agreement saying that the City would be reimbursed 25% of the salary of the City Engineer. At that time, I can discuss with you what the ramifications will be overall to the budget.

Hudkins asked if that information can be sent out as a packet so that we can review it.

Figard replied yes. Another issue is an update on starting 3rd and A and at some point closing the Salt Creek and A Street bridge. The City has a contractor prepared to start and is hauling dirt to provide emergency access availability into the South Salt Creek neighborhood. We've come up with a modification of the guard rail and building an emergency exit ramp. This will also be available when A Street is closed and will provide better security for emergency access into the area. This work should be done within the next month, well ahead of any closing of A Street. This decision was arrived at after working with the Fire Department and the Railroad, but have not had much feedback from the neighborhoods. We did not have a separate public information meeting so if you hear some concerns or questions, please get those passed onto us.

Layton stated that the comments passed out are about closing 82nd. As far as Southwest 40th, between A and O, from Coddington, you have Southwest 40th or you have to go clear over and come in at Playmor. The intersection at Playmor and West O is right at the end of the underpass and is not too safe. You should go over Southwest 40th with an overpass and over the creek on the south side with the same overpass. If you go to Shoemaker's corner and go south, then you're going to have to cross the Ravena and Hastings lines. I think Southwest 40th would be the best solution since the road is already there.

Seng stated the next meeting date for Monday, December 2nd @ 10 a.m.

Friendt commented about the issue of emergency access and suggested that a meeting be set up to let some of those leaders in that neighborhood know that this has been addressed and taken care of.

Figard stated we will have a pre-construction meeting with the contractor in which the neighborhood can come in and meet the contractor.

Stevens motioned to adjourn the meeting. Hudkins seconded the motion. Motion approved 6-0.

**Prepared by:** \_\_\_\_\_  
**Tina Mackel, Public Works & Utilities**