



RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting
March 2, 2004

Meeting Began At: 10:31 A.M.

Meeting Ended At: 11:29 A.M.

Members Present: Glenn Friendt, Jonathan Cook, Ken Svoboda, Bob Workman, Ray Stevens

Members Absent: Deb Schorr

Others Present: Roger Figard, Dick Nuernberger, Bill Kuester, Bruce Sweney, Charlie Wilcox, Fran Mejer, Scott Cockrill, Tina Mackel, Amy Cornelius-Jones, Harlan Layton.

Order No. 4-01 Call to Order. Approval of the Previous Minutes.

Friendt called the meeting to order.

Svoboda motioned to approve the previous minutes. Stevens seconded the motion. Motion approved 3-0. Cook was absent for this motion and Workman abstained since he was not part of the RTSD Board last September.

Order No. 04-02 Report of Treasurer.

Dick Nuernberger presented the treasurer's report. As of February 17, 2004, the District had investments in various banks totaling \$5,391,685.75. As of February 6, 2004, a balance of \$601,031.98 was carried in the District's checking account. As of February 17, 2004, the County Treasurer's balance for the District was \$113,511.81.

Stevens motioned to approve the treasurer's report. Svoboda seconded the motion. Motion approved 4-0. Cook was absent for this motion.

Friendt asked about having a different form so that the Board could see a complete total including the checking account and the treasurer's account. Nuernberger said that he would put that together.

Order No. 04-03 Draft 2004-05 Budget & CIP.

Figard stated that the goal is to get modifications or changes to present the proposed budget at the June meeting for budget approval and to make a recommendation for the levy to be forwarded onto the County Board. The final approval of the budget will be at the September board meeting. Figard reviewed the proposed draft budget:

- \$5,000 increase in management - due to changes of City staff salary and inflation over the last few years.
- Auditing services - increase of \$1,000, was overspent a little this year.
- Operating budget - \$6,200 increase.

Friendt asked about the support staff and management staff that get allocated into the those funds.

Figard stated that by interlocal agreement 25% of his salary is paid to the District for administrating and managing the District. Engineers or assistants who may spend some time on specific projects are also included. Support staff would include Tina, Amy, Fran Mejer, and Jane Wilkinson. Those are charged on an actual time basis. There is an overhead factor which is not applied. Included are the fringe benefits, but not a full overhead factor.

- \$250,000 a year for **crossing improvements** and asphalt in the City and County
- listing of those crossings are for information purposes - estimates are listed
- **Project 899.515** is a duplicate of Project 899.516
- **Van Dorn Relocation** - project has been audited, no more bills will be received on this and will be dropped off the budget. The \$10,000 will go back into the account balance.
- **Union Pacific Railroad Relocation** - project is completed and will be dropped off the budget
- **Firth Road Overpass** - nearing completion, \$100,000 budgeted for the County, they will still get some bills in - an estimated \$30,000-\$50,000 payment before the end of this fiscal year, \$50,000 budgeted for 04/05 for any clean-up or final bills.
- Recommending \$1.8 million to the continuation of the **Antelope Valley** project. \$1.2 million for the design and right-of-way for the Big T, \$600,000 for engineering and design for the east leg of the Big T. The audit will help to lay out the revenue funds. The Big T will come before the east leg of the Big X. The Big T construction is scheduled for 2005-2006. The remaining leg is scheduled for 2007-2009.
- **3rd & A** - The structure is nearly completed. Some cleanup and landscaping remains on the to-do list. In the remaining \$4.3 million budgeted, \$2.5 million will be spent between now and the end of the June. An additional \$500,000 is budgeted for finishing the project, clean-up, and contingencies.

- **Southwest 40th** - \$100,000 budgeted, in a state of negotiation with the railroad. The District and City's goal is to finish the engineering and environmental report. May end up setting the actual plans on the shelf and waiting on railroad's participation. The current long range transportation plan that the City and County have both approved have shown that, over the next 25 years, Southwest 40th is the best corridor and is a good solution in the interim. The Airport Authority has been good with including us in discussions. Still have ongoing dialogue, both the RTSD, Public Works, and Planning on the master planning.
- **Journal Star** and **Baseball** projects will drop off the budget.
- **Strategic Vision** - do not have anything proposed in the upcoming year.

Figard stated that we will continue to look at some of the other potential projects in out years and will be adjusting the cash flow. Attached to the budget is a listing of the projects over the 6 years and the cash flow according to those projects. We dropped off the construction money for Southwest 40th but believe we need to add it back as a placeholder (899.170).

Figard added that he would anticipate recommending to the Board at the June meeting, based on the projects, future viaducts, and grade separations, that we would be asking the County Board for the full levy (.026).

Friendt asked about the **14th and Old Cheney** intersection and the possibility of an overpass over the railroad tracks. Figard replied that, as the manager of the RTSD and also as the City Engineer, we are not recommending that as a good solution. Not sure one can build an overpass going thru the park and get thru all the environmental issues. The State's report and recommendation on the upgrade of Highway 77 and having the interchange of the Warlick Boulevard accommodate and bring that traffic in provides a reasonable solution for the network traffic. There will be a formal public hearing held by the Department of Roads on this project.

Stevens asked about the money budgeted for this year that will not be spent and the \$0 amount budgeted for next year for the **Harris Overpass**. Figard thinks that we can delay as this community struggles on finding infrastructure financing. If the circumstances change, we will bring the money back to the project.

Friendt asked what the rationale is for requesting the whole **levy** considering the drastic decrease in budget funds. Figard replied that if you look at the long range transportation plan and the comprehensive plan, they suggest that we have a grade separation on every railroad track with every arterial within the community. Upcoming projects include Southwest 40th, 70th and Cornhusker, 44th Street crossing at the Burlington Northern corridor, and Phase II of Antelope Valley which includes 2 additional underpasses. We also need to be addressing the Highway 2 corridor near 14th Street, 56th and Old Cheney, and the 68th and Hickman projects. We are in the \$3.5 million range of revenue coming in and because of the way we must budget and with no bonding authority, we must have all the revenue in the bank when we sign the contract.

Friendt asked about why we don't have **bonding authority**. Figard replied that it wasn't created in the initial legislation. Cook stated that he made a motion previously that we should ask the legislation for bonding authority. Figard replied that he recommends to the Board that we should let the City and County bring their projects forward and when the project meets the goal, vision, or responsibility of the RTSD, that we should remain a funding source and let them implement the project then we can contribute on an annual basis. This reduces our need to bond. If a huge proposal and project came forward at some point, perhaps we would want to re-look at this again. Bonding authority would significantly increase the amount of administration and management operating expenses.

Stevens asked if Figard could put together a list of future projects. No time frame or dollar amounts are needed. Figard replied that he would together a list.

Cook asked about **14th and Highway 2** discussions and what portion the RTSD would pick up. Figard replied that the portion is the part that helps separate and remove the conflict between the pedestrians and cars and the railroad tracks. We need to focus the District on those pieces and parts we can identify as meeting that purpose. He added that Burlington Northern lost the coal contract to Nebraska City with the Union Pacific supplying it. The rail traffic has been significantly reduced but in 3-4 years when the contract is up for bidding again, it could change.

Order No. 04-04 2003-04 Antelope Valley Interlocal Agreement.

Figard stated that this is the formal document between political subdivisions that we use to formally acknowledge this Board's acceptance or agreement in paying \$1.8 million over to the City on an annual basis. There are expenses and work yet to be done that exceed \$1.8 million. Figard asked the Board for authorization of the Board Chair and Executive Director to sign the interlocal agreement and forward onto the City Council for their approval.

Stevens asked about the duration of this agreement not to exceed 3 years from the date of execution and yet the funding stream goes out 5 years for Phase I. Figard replied that this agreement only addresses this year's budget. The 3 year is a time frame that may have come in working with the City Attorney. Council can obligate future capital improvements over a 3 year period. It wasn't intended to cover the 5 or 6 year period of the capital improvement program. **Bill Kuester followed up on this question and stated that the 3 year term language in the interlocal agreement is standard language for all City contracts.**

Svoboda motioned to approve the Board Chair and Executive Director to sign the 2003-04 Antelope Valley Interlocal Agreement. Cook seconded the motion. Motion approved 5-0.

Order No. 04-05 Project Updates.

None needed.

Order No. 04-06 Non-Agenda Items.

Figard stated that as part of the **3rd and A contract** and as part of the action earlier this year, he asked the Board for approval to sign miscellaneous small construction contracts, demolition, etc. without coming back to the Board, but felt that this contract is a little more significant in nature and it should be approved by the Board.

Bids were taken in November of 2003 for the landscaping that will be associated with 3rd and A Street project. 6 bids were received that ranged from \$50,166 to \$67,568. The low bidder is a responsible bidder. We did confer at lengths with Parks and Recreation and others who have used their services in the past. Figard asked for Board approval for the Executive Director and Board Chair to sign that contract. The \$50,166 is within the budgeted amount for continuing to pay for the 3rd and A Street project.

Workman asked about how you determine a reasonable bidder. Figard replied that with the current purchasing process, we need to receive the bids first and then look at the lowest number first to determine if we believe they are a responsible bidder. No pre-qualification process is used. Workman stated that you could run into some legal implications with that process. Figard said that the City started to do pre-qualification, but didn't get very far politically. We rarely exclude a bidder because of irresponsibility. He added that in the case of a bid that came in extremely low, contractors do make mistakes. There is a process where a contractor can meet with the purchasing agent and show proof that they made a mistake and are allowed to remove their bid.

Workman motioned to approve the Board Chair and Executive Director to sign the 3rd and A Street landscaping contract with Lanoha Landscape Nursery. Motion carried 4-0. Svoboda abstained.

Harlan Layton talked about 14th and Old Cheney. He suggested that the railroad crossing on Old Cheney be closed. He also talked about the deference of Southwest 40th. Friendt told Layton that the issue of Southwest 40th and going over the railroad tracks and the creek at the same time is one that is being contemplated.

Svoboda stated that citizens have told him that there has been an increase in coal traffic in the South Salt Creek area. Figard said that he would investigate the increase in traffic in that area.

Stevens motioned to adjourn the meeting. Svoboda seconded the motion. Motion approved 5-0. Meeting adjourned.

Prepared by: _____
Tina Mackel, Public Works & Utilities