



## RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting

June 13, 2005

Meeting Began At: 08:30 A.M.

Meeting Ended At: 08:55 A.M.

Members Present: Deb Schorr, Ken Svoboda, Bob Workman, Ray Stevens

Members Absent: Jonathan Cook, Dan Marvin

Others Present: Roger Figard, Dick Nuernberger, Bill Kuester, Kurt Micek, Scott Cockrill, Bruce Sweney, Roger Ohlrich, Charlie Wilcox, Randy Hoskins, Susie Filipi, Tina Queen, Harlan Layton.

### **Order No. 05-07 Call to Order. Approval of the Previous Minutes.**

Schorr called the meeting to order.

Svoboda motioned to approve the previous minutes. Stevens seconded the motion. Motion approved 4-0.

### **Order No. 05-08 Report of Treasurer.**

Dick Nuernberger presented the treasurer's report. As of May 31, 2005, the District had investments in various banks totaling \$1,937,616.60. As of May 31, 2005, a balance of \$575,401.98 was carried in the District's checking account. As of May 31, 2005, the County Treasurer's balance for the District was \$202,898.15.

Stevens motioned to approve the treasurer's report. Workman seconded the motion. Motion approved 4-0.

### **Order No. 05-09 Election of Officers.**

Stevens nominated **Schorr** for **President**. Svoboda seconded the motion. Motion carried 3-0. Schorr abstained.

Stevens nominated **Svoboda** for **Vice-President**. Workman seconded the motion. Motion carried 4-0.

Stevens nominated **Workman** for **Secretary**. Svoboda seconded the motion. Motion carried 3-0. Workman abstained.

### **Order No. 05-10 2005-2005 Budget & CIP.**

**Figard** - The budget that was presented and attached with your agenda is the same annual budget presented at the last meeting with no proposed changes. There is a change in the CIP that I want to bring up for clarification. The proposed draft budget before you for approval is presented with a request of \$2,903,950. Also attached with your budget is a cash flow sheet and a six year CIP. In the 6 year CIP sheet, I would like to reference the Southwest 40th project in year 06-07. The sheets we had been looking at before showed \$4.7 million in 06-07 and \$4 million in 07-08. We have adjusted the recommended requested budget amount in 06-07 to \$5.3 million. This would add up to cover the building of the actual viaduct structure that would be proposed along with the County road bridge. Previous numbers of \$4.6 to \$4.7 million were commensurate for computing the cost share of a theoretical structure. Now that we are ready to move into construction, I felt it was necessary that the actual project costs and the budget amounts add up.

**Schorr** - In what ways does the actual structure differ from a theoretical structure?

**Figard** - A theoretical structure, according to federal law, is a bridge from touchdown to touchdown the same width of the existing roadway. We continue to argue with them about trails, sidewalks, lighting, etc. I think over time we need to work hard at increasing the components that are in a theoretical structure because one of the biggest issues is that accidents are now higher in the area of pedestrians rather than car/train accidents. I think we need to make sure that we are providing for the pedestrian components of these structures and the railroad should participate in that.

There are no other changes in the budget. My intention would be that if the Board approves this budget today, we would forward this budget onto the County Board with a request for 0.026, the maximum levy to support the cash flow.

**Workman** - I noticed that the crossing on North 162nd Street is not carried forward to the new budget and neither is the OPPD line to Nebraska City.

**Figard** - In talking with the County about North 162nd, they had done some work out there and didn't feel they needed to carry additional dollars. I can further follow up on that. I think there are resources within the overall total of \$300,000 that if something else came up that didn't get done to authorize that. I will follow up on this with Don Thomas.

**Stevens** - Will the management fees be taken out by the end of the month?

**Figard** - Yes. The \$35,000 management fee should come out by the end of this month before the end of the fiscal year.

**Stevens** - Why has the County miscellaneous dollars been increased to \$50,000?

**Figard** - I felt uncomfortable in the past that we only listed the specific crossings. By going to \$50,000, it gives the County and the County Engineer some additional latitude. If something else comes up, it could be identified and paid for out of the \$50,000 without going back and amending the budget. It was for added flexibility and reducing the bureaucracy.

**Stevens** - I'm questioning the amount of money budgeted for the Firth Road overpass.

**Figard** - The County Engineer's office informed me that they felt \$5,000 would final and close things out.

**Stevens** - Going back to the total construction projects for the year, as of the date of the operating statement, there was \$986,000 remaining. How much of that would be spent in the last six weeks?

**Figard** - At this point, I think very little. Any money not spent goes back into the fund and is available for rebudgeting the following year. I would guess less than 3/4 of any of that remaining money will be paid out this month. Typically we have tried to be very conservative in our budgeting and regularly don't spend all the budgeted amount.

Svoboda motioned to approve the 05-06 budget and CIP as proposed or amended by the Board. Workman seconded the motion. Motion approved 4-0.

**Order No. 05-11      Review/Renew Legal Service Contract.**  
**Order No. 05-12      Review/Renew Accounting/Auditing Contract.**

**Figard** - Both items 05-11 and 05-12 are service contracts. One is with Crosby Guenzel for legal services and the other one is for our accounting and auditing services with Micek and Crouch. There are representatives from those firms here today. I think both firms have been extremely responsive and professional and continue to provide the Board the accountability and the resources we need to have. I would ask you to renew both of those contracts.

**Schorr** - Is there an increase in fees in either contract?

**Kurt Micek** - Yes. Our estimate was \$7,600 and it went up to \$7,800 this year.

Stevens motioned to approve/renew the legal service contract with Crosby Guenzel and the accounting/auditing contract with Micek and Crouch. Workman seconded the motion. Motion approved 4-0.

**Order No. 05-13      Southwest 40th Street Update.**

**Figard** - With your packet today, you had a copy of a new Southwest 40th Street agreement and a fact sheet. The fact sheet is in format to send a resolution back to the City Council for approval. At the previous meeting, the Board did approve the agreement between the RTSD and the City to provide funding for Southwest 40th. An oversight on my part in communicating between the RTSD and City's legal representation, we found that a couple of paragraphs were left out. Because the funding for this project is in the 2nd and 3rd year of the CIP, the budget you approve is only for one year. We needed to include in the attached budget an item 4 and 5. Item 4 talks about asking the Board to provide funding in the 2nd and 3rd year. Item 5 allows a funding out option or a cancellation fee. Because you are not actually approving that first year expenditure this year, we felt that language should be in there for fairness and clarity. I would ask the Board to approve the signing of this agreement. We would forward it back to the City Council asking them to reapprove this agreement and cancel the previous agreement.

We're still on track to move ahead with the project. We have received a letter request from the Railroad to close Southwest 40th. I've asked them to contact our office to set up meetings so that the City can be assured there is a project and go thru the details of work that will need to be done prior to physically closing the roadway. As soon as we can get this on the agenda, the agreement will go back to the City

Council. Additionally the agreement between the County and the State of Nebraska will go back to the City Council. With all three of those agreements signed, we will have the package put together for administration, management, and funding of the project in its entirety for the viaduct portion. Again there remains no funding in a City CIP for the roads between A and O Street. Those would still need to move forward at some point in time and compete for priorities in the City CIP.

**Schorr** - Did you say the agreement between the County and the State needed to be approved by the City Council?

**Figard** - Yes. The County is agreeing to give money to the City for their portion of the Oakcreek Bridge as well as securing federal bridge replacement funding thru the State of Nebraska. They are opting that the funding would go on and the State had also agreed to contribute \$4 million to this project. Those two agreements need to come to the City even though the City doesn't have any money in the viaduct project. They are the administrator of the project. We need them to acknowledge and accept that money for the project.

**Schorr** - Do we have a tentative date for the closure of the road?

**Figard** - The railroad had requested closure in the middle of June. I believe our agreement with them says that we have 60 days to close that road after we agree they have a viable project. I would say late July to mid August is probably when that would close. We certainly will advertise that publicly and get it out for the community at a time ahead of that.

Stevens motioned to approve the Board Chair and Executive Director to sign the Southwest 40th Street Interlocal Agreement. Workman seconded the motion. Motion approved 4-0.

**Order No. 05-14      Non-Agenda Items.**

Schorr asked for any public comment.

Schorr acknowledged the receipt from Harlan Layton. He has provided some documentation regarding research he has done altering some of the maps we have specifically with railroads that are no longer active near Wilderness Park.

The next meeting is scheduled for Tuesday, September 6 @ 10:30 a.m.

Stevens motioned to adjourn the meeting. Svoboda seconded the motion. Motion carried 4-0. Meeting adjourned.

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