



RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting
Monday, July 1, 2013

Meeting Began At: 11:00 a.m.

Meeting Ended At: 12:13 p.m.

Members Present: Deb Schorr, Doug Emery, Brent Smoyer, Leirion Gaylor Baird, Roy Christensen, Roma Amundson

Members Absent: N/A

Others Present: Roger Figard, Tina Queen, Randy Hoskins, Rick Hoppe, Liz Thanel, Bill Kutilek, Kurt Micek, Harlan Layton, Gary Irvin, Doug Rix, Mayor Mike Werner, Doug Holle.

Order No. 13-08 Call Meeting to Order. Approval of Previous Minutes.

Schorr called the meeting to order and introduced the new members from the City Council, Leirion Gaylor Baird and Roy Christensen.

Smoyer motioned to approve the previous minutes. Christensen seconded the motion. Motion approved 3-0. Christensen and Baird abstained. Amundson was absent for this vote.

Order No. 13-09 Statement of Receipts & Disbursements & Investment Detail.

Thanel presented the statement of receipts and disbursements.

Smoyer motioned to approve the statement of receipts and disbursements. Baird seconded the motion. Motion approved 5-0. Amundson was absent for this vote.

Order No. 13-10 Current Budget Status, Project Updates, Committee Updates.

Figard highlighted the following items:

- Management Services - District pays 25% of City Engineer's salary to provide management.
- Support/Clerical - Actual time charge.
- Legal and Accounting/Auditing Services - Outside City and County.
- Travel Expenses - Used for the National Committee on Uniform Traffic Control Devices, bi-yearly meeting.
- Any money not spent will be re-budgeted and carried over to the next year.
- Railroad crossings \$300,000 - \$250,000 for City, \$50,000 for County. The maintenance and repair of the at-grade crossings is the responsibility of the Railroad. The RTSD partners with the Railroad to help pay for those improvements.

- Southwest 40th - The District transferred \$9 million to the City. There has been utility relocation, water main installation, LES lines being moved and buried as well as private utility work. Project has 903 calendar days for completion. Construction started in March.
- Mayor Mike Werner - "All we'd like to do Chairman Schorr is thank you to Commissioner Smoyer and yourself for coming out a couple weeks ago to Waverly to physically see in person where we are. We tried grabbing pictures, they turned out poorly, but we did want to let you know that 148th Street is completely done. Woodstock Street is all opened up. They are doing a little bit of final grading, grass, that type of thing. The 141st Street improvement as a whole, our part of what Schemmer is there to do is essentially done, although it's going to be closed for another probably three weeks due to the Railroad being delayed in getting some of their electronic equipment, the cantilever and also associated with the NDOR project of overlaying Highway 6. There is some loop detectors that gotta be put in. There was some electrical delays and contractor delays so our part of that is essentially done. Again we won't be open for about three weeks. I believe the road for the private access property owners it was my understanding and Doug Holle can probably explain further, but I believe they will do that. It'll be done before August 1 but they have not started as of today. It is going quite well. The people are using it. They can see that something is happening. I wish we did have pictures. We will try to take some nice color pictures and forward them to Roger. We'd just like to thank the RTSD for their continued support. It is rather exciting to see something happen. I always wanted to thank Commissioner Emery for this. And I want to publicly say this that your advice at the one meeting you gave us a year and a half ago or better was well heeded and excellent. It was to the point and ultimately got everybody kind of moving towards the goal. I always wanted to thank you for your leadership and sharing with us possibly the tone of which to use with some of these people to advance things. Thank you Mr. Emery."
- Doug Holle - "Like the Mayor said, it's going very well. I think a couple of you were out there a couple weeks ago. It would've been great if the highway project would have been up to date as well so we could have opened up 141st when it's ready, but as the Mayor said, it's a couple weeks late. We didn't want to open it up and then close it again so we chose to leave it closed for a couple more weeks. Otherwise everything is going very smoothly."
- Doug Rix - "We'd like to thank you for your past and current support for the project and hopefully with the adoption approval of next year's budget, we'll be able to finish it. Thank you."
- Hickman - The City Manager continues to coordinate with the Public Works Engineering office.
- The District does not bond for projects. The RTSD operates on a cash basis.
- NCUTCD - Working on Chapter 8 of the MUTCD.
- Viaducts range in price. Hickman - \$3 - \$4 million. Urban areas - \$10 - \$15 million. Projected cost for 33rd - 35th & Adams - \$50 million.
- The RTSD's goal is never to have less than \$1.5 million of cash.

Order No. 13-11 Election of Officers.

Figard stated that it's good to represent both the City and County in the Chair and Vice-Chair positions. There is no mandate that the Chair be from the County. The City Engineer's office provides administration. It would be a good check and balance to have the Chair from the County side. The County Board and Liz Thanel are now doing the accounting side of things.

Smoyer motioned to elect Schorr as Chair, Emery as Vice-Chair and Christiansen as Secretary. Christiansen seconded the motion. Motion approved 5-0. Amundson was absent for this vote.

Order No. 13-12 Review/Renew Legal Service & Accounting/Auditing Contracts.

Figard stated that the District retains outside council for answering legal questions and interacting between the County Attorney's office and the City Attorney's Office.

Bill Kutilek - "Bill Kutilek, Crosby Guensel Law Firm, 134 South 13th Street. Our firm had the privilege of my predecessor, I'm probably the third generation of lawyers that have represented the Board. Bob Crosby and Bob Guenzel were instrumental in the legislation that created the RTSD back in the early 70's. Bill Kuester was on Board for many years and over the last few years after Bill retired, I've had the privilege of serving the Board. So this contract that you have before you is similar to contracts that have been in place in years. The terms are the same terms that had been in place last year. It's a retainer of \$500 for which we agree to come to each of the quarterly Board meetings and then any additional work is in accordance with the terms set forth in the contract. Fairly simple. The Board can terminate our contract on 30 days notice if necessary. Hopefully that's not the case. Certainly I think I've enjoyed working with Roger over the last few years and we have a good relationship. Appreciate the opportunity and look forward to serving you if you approve this contract."

Smoyer motioned to approve the renewal of the legal contract with Crosby Guenzel. Emery seconded the motion. Motion approved 5-0. Amundson was absent for this vote.

Figard stated that Kurt helps with accounting/auditing as well as preparing the actual budget that is submitted to the State Auditor.

Kurt Micek - "I'm Kurt Micek with Micek and Crouch CPAs here in Lincoln, Nebraska. And yeah I've had extended experience here with the District as well. In the engagement letter, what it is really is enumerating that we'd have an attest service and a non-attest service. The attest service being the auditing of the District, but also included in the engagement is the non-attest service to assist in the preparation of the budget that Roger just referred to. So that's included in the estimated fee that we have for \$8,500. Just a little history that we've never exceeded our estimate and we've been pretty close on that for years past. I know the budget had in there \$10,000, but I think that's just to give us a little extra cushion in case something developed that had to be discussed further for changes in budget or anything like that. But our history has been pretty spot on for what our estimate has been. Any questions you might have I'd certainly entertain those."

Smoyer motioned to approve the renewal of the accounting/auditing contract with Micek and Crouch. Christiansen seconded the motion. Motion approved 5-0. Amundson was absent for this vote.

Order o. 13-13 2013 - 2014 Budget & CIP.

Roger highlighted the following budget items:

- Increased support/clerical services to cover Liz Thanel's time spent on financials.
- 91st & Yankee Hill - Yankee Hill Road that runs east and terminates in Cheney today will curve up to Highway 2 and cross Highway 2 at about 91st Street.

- West Pioneers - New improved crossing in the County. The work has been done for some time. Waiting on a bill from the Railroad.
- Southwest 40th - The money was paid over to the City. Proposing to put \$100,000 in as a contingency item in case something comes up between July 1, 2013 and June 30, 2014.
- Salt Creek Railroad Underpass - A proposed trail crossing that would go under the BNSF tracks on Salt Creek on the east bank. Still waiting for the NRD and the Railroad to get their agreement put together.
- Miscellaneous Engineering - Use for studies, etc. throughout the year.
- Emergency & Safety - Use for projects that may come up.
- South Salt Creek & 14th/Yankee Hill - Still resolving final change orders in working with the Railroad.
- Waverly Quiet Zone - Increased to \$1 million to finish project.
- 33rd & 35th @ Adams - Potential grade separation project that would close the at-grade crossings. Project priority is measured by exposure rate which equals the number of trains multiplied by the number of cars. Any rate over 50,000 is eligible for funding from the NDOR. These two crossings together have an exposure rate that exceeds 1.2 million per day and may be the highest exposure rate in the State right now. NDOR and BNSF are both supportive of the project. \$500,000 proposed for the budget.
- Hickman - Construction has not begun yet.
- OPPD & South 84th Street Crossing - Potential crossing about 1/8 mile south of Highway 2 on 84th Street. UP provides coal to the plant. Use money to build gates and lights if warrants are met.
- Salt Creek Levee - Have a triangle of property south of the BNSF tracks in the 1st Street area and bordered by Salt Creek on the west and the Amtrak line on the east. There is an emergency roadway that comes off Rosa Parks Way just west of 1st. It is currently a rock/dirt road and needs improvements. Because Rosa Parks Way is part of the National Highway System, that evokes NDOR oversight and watching to make sure that federal AASHTO standards are applied.
- Park Boulevard Trail Crossing - Parks Dept. is currently working on the extension of the trail that comes through Wilderness Park, Park Boulevard and southwest of South Street. The District has proposed to pay for the extension of the material. The Railroad will have to widen out their crossing to do that.

Figard stated that the Hickman project has not been bid yet and attributed the budget increase to contingencies and inflation.

Figard highlighted the following CIP items:

- A six-year CIP doesn't go out far enough due to possible long term projects.
- CIP, cash flow and levy are all intertwined.
- Recommends a 2.6 levy for next year.
- Presented a 12 year CIP.
- South Beltway budgeted farther out than six years, proposed that the District could cover the cost of the two overpasses that would cross the railroad tracks.
- Presented two sheets, difference is the change in how the money is collected for the South Beltway and when.
- Possible project near 70th and Cornhusker.
- When the District is fully funded, it can do all the significant projects.
- Railroad is only required by federal law to pay for 5% of a theoretical structure that goes over the tracks.

Baird asked if there needs to be a certain cash balance to leverage federal dollars.

Figard replied that it has to be shown through an interlocal agreement or an agreement between the City and the District, the City and the State. NDOR collects a train mile tax for every train that runs across the State. They collect dollars and put it into a grade crossing. Everyone competes for projects based on priority. Its easier to leverage dollars with a higher cash balance.

Christensen asked how moving the Beltway project up to start in 2018 would impact the RTSD.

Figard replied the Long Range Plan would have to revised if the Board decided to do so.

Figard presented the difference in levies and how it affects the CIP based on a 1% annual valuation increase.

Emery motioned to approve the 2013-2014 budget and CIP. Smoyer seconded the motion. Motion approved 6-0.

Christensen motioned to approve the levy request of 2.6 cents. Amundson seconded the motion.

Emery made a suggestion to lower the levy request and to decide on a legitimate levy request from the County Board.

Smoyer motioned an amendment to lower the levy request to 1.3. Emery seconded the amendment . Motion to approve the amendment 6-0.

Original motion to approve a levy request of 1.3. Motion approved 6-0.

Order No. 13-14 Petitions/Letters/Requests.

N/A

Order No. 13-15 Non-Agenda Items.

N/A

The next Board meeting will be held on Tuesday, September 10, 2013 @ 8:15 am.

Christiansen motioned to adjourn the meeting. Amundson seconded the motion. Motion approved 6-0.

Prepared by: _____
Tina Queen, Engineering Services