

**Wisconsin River Rail Transit Commission
Full Commission Meeting - Friday, June 5th, 2015 @ 10am
Dane County Hwy Garage, 2302 Fish Hatchery Rd, Madison, WI**

1. 10: 00 AM **Call to Order** – *Alan Sweeney, Chair*
2. Roll Call. **Establishment of Quorum** – *Mary Penn*

Crawford	Tom Cornford, 2nd Vice Chair	x	Rock	Ben Coopman, Alternate	
	Rocky Rocksford	x		Wayne Gustina	x
				Alan Sweeney, Chair	x
Dane	Gene Gray, Treasurer	x	Sauk	Terry Thomas	x
	Jim Haefs-Fleming	excused		Marty Krueger, Alternate	x
	Chris James, Vice Secretary	x		John Deitrich	absent
Grant	Gary Ranum	x	Walworth	John Miller, Vice Treasurer	x
	Vern Lewison	x		Dave Riek	x
	Robert Scallon, 1 st Vice Chair	x		Kevin Brunner	x
Iowa	Charles Anderson, Secretary	x	Waukesha	Richard Kuhnke, 2 nd Vice Treasurer	x
	William G Ladewig	x		Allan Polyock	excused
	Jack Demby	x		Karl Nilson, 4 th Vice Chair	excused
Jefferson	John David	x		Dick Mace	x
	Laura Payne (10:28 AM)	x		Carl Pettis	x
	Augie Tietz, 3 rd Vice Chair	excused			

Commission met quorum.

Others present for all or some of the meeting:

<ul style="list-style-type: none"> • Mary Penn, WRRTC Administrator • Roger Schaalma WSOR • Kim Tollers, WDOT • Alan Anderson, Pink Lady RTC 	<ul style="list-style-type: none"> • Anna Gitlin, SWWRPC, NR 135 Intern • Eileen Brownlee, Corp. Counsel • Forrest Van Schwartz
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3. Action Item. **Certification of Meeting’s Public Notice** – *Noticed by Penn*
 - *Motion to approve posting of meeting – Thomas/Cornford, Passed Unanimously*
4. Action Item. **Approval of Agenda** – *Prepared by Penn*
 - *Motion to approve agenda –Gustina/Mace, Passed Unanimously*
5. Action Item. **Approval of May 2015 Meeting Minutes**– *Prepared by Penn*
 - *Motion to approve May minutes with corrections – Mace/Anderson, Passed Unanimously*

6. **Public Comment** – *Time for public comment may be limited by the Chair*
Mary Penn introduced Anna Gitlin, SWWRPC NR 135 Intern to the Commission.

7. **Correspondence & Communications** – *Discussion may be limited by the Chair*
Penn distributed the articles submitted by Forrest Van Schwartz and then reported on the correspondence of the past month. Alan Sweeney Van Schwartz welcomed him back from Africa.

8. **Announcements by Commissioners** – *No Discussion Permitted*
Dick Mace reported that the next day in Sparta was the celebrating of the 50th anniversary of the rails-to-trails program. Chris James said the DNR was leading that celebration.

REPORTS & COMMISSION BUSINESS

9. **WRRTC Financial Report** – *Jim Matzinger, Dane County CPA / WRRTC Accountant*
 - *Motion to approve the Treasurer’s Report and pay 2 bills – Anderson/Thomas, Passed Unanimously*

Gene Gray gave the Treasurer’s Report as Jim Matzinger was on summer hours. Gray said that today’s meeting would address the legal expenses issue (Item 13) brought up last month and that he would ask Matzinger for the budget for the past 2 years or so to get a better idea of how much legal

expenses were in those years compared to past budgets. Sweeney said he wanted Eileen Brownlee's input on item 13 and she could comment during the item.

Gray said there were two bills: one for Southwestern Wisconsin Regional Planning Commission and the other for McHenry County taxes.

Sweeney commented on the McHenry County tax bills. Van Schwartz said those bills were reimbursed by WSOR.

10. Wisconsin & Southern Railroad's Report on Operations – Ken Lucht, WSOR

- Update on Monthly Maintenance Activities
- Update on Capital Projects
- Update on Business Development
- Other Continuing Issues/ Topics

Roger Schaalma noted that Ken Lucht was absent from the meeting and that he would be giving the report. He said weed spraying was going on and they had done all of Janesville this week, with all of Madison slated for the next week. He also said the rail detector car would be running in June with the remainder of track run in September.

On capital projects Schaalma said three bridges projects on the Prairie sub were coming to a close and would be closing out. The Milton siding was finishing up and demobilizing and on the Oregon rehab, of the six crossing signals needing to be installed, work on two had begun. He said that 2014 bridge projects would also be completed by the end of July.

On the CWR project from Janesville to Avalon, Schaalma said the contractor would be completing the work this summer.

Schaalma said bridge work would be commencing on the Waukesha sub along with 15 crossings going out to bid.

Dave Riek asked how often the rail detector car was sent out. Schaalma said this was an annual function with all main lines tested annually. As of two years ago auxiliary tracks were now being done although not all were done at this time. However, all high risk rails were done semi-annually. Riek asked how accurate it was. Roger said it was not 100%, explaining how the detector worked. He noted there could be human error but the process was as complete as it could be. He said when WSOR found a defect they alerted the contractor doing the work to confirm. Schaalma said the defect on the Fox Lake sub was the recent derailment occurred was on the edge of the rail so the defect was missed.

Gary Ranum said that Lucht had sent some sample support letters and asked if all the counties had returned theirs. Schaalma did not know if all had come back but said there had been a lot received.

James said Dane sent a letter and noted there had been a lot of vegetation cleared between Mazomanie and Sauk so was curious as to why that was. Schaalma said cars out there were in long term storage. Mace also confirmed that the City of Waukesha sent a letter.

11. WDOT Report–Kim Tollers, WDOT

Kim Tollers said things were quiet at WDOT and there had been no movement on the transportation budget.

12. WRRTC Administrator's Report – Mary Penn, WRRTC Admin.

Penn submitted her report of the administrative duties of the past month, noting that there would be a meeting between WSOR, WDOT, WDNR, and SWWRPC staff to discuss the possibility of developing an online GIS for rail mapping which would allow not only for sharing the map of the track but also have documents specific to each section of the track be accessible. She noted that not all documents would be shared with the public: some information would be accessible only to WSOR, WDOT, WDNR and the Commission. John Miller asked about the outcome of the project and potential projects. Jack Demby recommended taking a look at the Iowa County Property GIS as an example of how a GIS works. Tollers said the state of Vermont's rail GIS was an example of what the project could achieve in the online mapping project. Van Schwartz said Illinois might have data on the Fox Lake Sub. Mace commented that other counties might be interested.

13. Discussion and Possible Action on amending 2015 budget to adjust legal expenditure amount – Alan Sweeney, Chair

As Penn distributed copies of the approved 2015 budget, Sweeney said the current approved budget might need to be adjusted. Sweeney asked Brownlee if there would be more legal expenses this year. Brownlee said this year was busy and last year was very, very busy so the costs were going up. She said she only billed the Commission once a year but if the Commission wanted her to bill more often, she could do that. She did think they would exceed the \$3,000.00 budgeted. Sweeney said that Gray wanted to look at past years budgets. Gray said he wanted to get the past 2 or 3 years actual costs and budgets both. Mace asked if they were looking for a new amount. Brownlee said she did not have a set number at this time and pointed out it was not even close to last year's but it was higher. Sweeney said they could honor Gray's request to get past year's amounts and take Brownlee's offer to look at in August. Brownlee said at that point she would know to the dollar. Mace asked if a motion were necessary to that effect was necessary. Bill Ladewig asked if it were better to get the costs from January to June and then just double the amount. Brownlee said if there were something, it would be unexpected but she said she could give the Commission an amount by the July meeting.

- *Motion to postpone item 13 to September – Krueger/Scallon, Passed Unanimously*

14. Discussion and Possible Action on Acceptance of Transfer of Deed Property to WRRTC from the City of Waukesha – Dick Mace, Waukesha County Commission

Penn distributed handouts which showed the item in question. Mace presented background on this item, showing the Commission a map describing the situation on the ground noting there are two parcels in question. He said that Ken Lucht was concerned about the operating agreement on the section in question and said he thought Canadian National (CN) owned the rail through the Grand Avenue crossing. He said that Lucht had contacted CN personnel but there had been no confirmation on who owned this rail. Van Schwartz and Mace discussed the old and present owners. Mace gave information on former landowners of the parcels as well. He said parts of these parcels were made up to complete a connection to give WSOR access to CN track so WSOR could go north.

There was another question of ownership of the rail but Mace said he did not think it made too much difference who owned it. He said he was talking about transfer of ownership of the land the track is on and said the City wanted to transfer it to the Commission. Schaalma, Mace, and Brownlee discussed needing to know who owned the parcels. Mace said at this point, if an operating agreement was needed, it would need to be with the City of Waukesha and WSOR. As for the property, it could be in the WRRTC's ownership for fee simple. He said if the operating agreement were to be amended, it could be done now. Brownlee asked if Schaalma would have a problem with that and he said it "would get a little hairy" due to the switches and crossings in such close proximity. Van Schwartz asked if CN was doing the cross/signal maintenance. Schaalma said they were. Sweeney asked about the signals and crossings.

Tollers asked if CN would be interested in selling the spur. Van Schwartz said that was CN ROW. Mace did not think that would be appropriate. Tollers spoke of the mainline and the connector but she did not know how far apart they were. Mace estimated it was 50' from WSOR's crossing to CN's crossing. Sweeney asked for Brownlee's recommendation but she said acquisitions are included in the operating agreement and needed WSOR's agreement if that happened. She said all of the dominos needed to fall.

Ladewig asked how the City got the parcels if it were part of the old Northwest line. There was general agreement that there were many things done in the old days of which there were no or lost documentation. Mace said the ROW was acquired back in the 1980's to allow access north via the CN track. He explained that some private land had been acquired in the past to allow the ROW access and that nobody seemed to be able to come up with records of these transactions. Mace said this was acquired by the City. Ladewig said there must be a lease agreement. Mace said that Lucht said he believed there was no operating agreement. Brownlee said she did not think Waukesha was part of the commission in the first formation of the WRRTC and because Waukesha joined later, it may have been a factor. She said when Chicago Northwest went bankrupt, the line was abandoned. She said they disposed of rail line all the way out to western Wisconsin and that it had been a very haphazard distribution of property, including selling to adjoining landowners.

Carl Pettis asked for the year this was acquired by the City. Mace said he could find out and thought 1988 would be approximate. John Miller asked about the liability insurance on that section of track but Mace did not know.

Sweeney said there was still not enough information. Brownlee said she did not mind the Commission owning the land without an operating agreement but there needed to be something in place to be ready to go. Mace said that at this point WSOR is operating on city property without an agreement. Tollers asked about land west of the parcel and if purchasing that were an option. Mace said that would be an opportunity but the City attorney could just rewrite the deed. Marty Krueger asked if it would be advisable for Brownlee to work with the City of Waukesha attorney.

- *Motion to have WRRTC corporation counsel to work with WSOR and the City of Waukesha to enter into discussion on the Transfer of Deed Property to WRRTC from the City of Waukesha – Krueger/Thomas, Passed Unanimously*

Ladewig asked for a title on the properties in question before acquisition. There was some discussion about the cost of titles. Van Schwartz asked for the deed records on the parcels. Brownlee said a deed search might be very impractical. Miller asked Brownlee about adverse possession and if that applied. Brownlee said no. Charles Anderson asked about a point on the map and hazardous materials. There was no concern on the Commission's part in regard to that.

15. Discussion and Possible Action on payment of WRRTC 2016 liability insurance with Richgels-Schaefer Insurance – Mary Penn, WRRTC Admin.

Penn said she had worked with Tom Schaefer on the insurance. She said the cost had remained the same despite the recent acquisitions of track.

- *Motion to approve payment of WRRTC 2016 liability insurance with Richgels-Schaefer Insurance – Ranum/Anderson, Passed Unanimously*

Gray asked about the expiration of the insurance and Penn said it was July 10th. Ladewig asked if acquisition impacted the insurance costs and need. Brownlee said no.

16. Discussion on procedures including utility permits, at-grade crossing permits, crossing licenses/agreements, and meeting packets – Mary Penn, WRRTC Admin.

Penn told the Commission she had been working on updating both the Commission's forms but also their procedures. She distributed examples of the old and proposed utility permit. In an effort to make things flow more smoothly, Penn said that utility permits would no longer be up for the Commission's consideration as the Commission had no standing to say no to utility work. Rather, she would inform the Commission of utility work in her report and at that time have the Chair and Secretary sign. Pettis asked if this would speed up the process. Demby asked if this would be all they would have to do. Mace asked for a footnote on the permit that the utility contact the state. Brownlee said that would just confuse applicants since this utility permit was only for Commission owned property. Tollers said to require a site location map be included as part of the application process. When asked, Schaalma said he had no opinion on the issue but he thought it would be great.

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James said this might not apply but at the County, requests like this were looked at as opportunities for other work and with this system, maybe it would be an option to identify other possible benefits not being considered. Schaalma said WSOR did that as well but the perpendicular work was limited although parallel work could be looked at.

Tollers said there would still be direct contact with WSOR so there could be opportunities to do that: Trans 29 would still have to be met. She said this would be the time to add that to site maps and get criteria from WSOR included.

Kevin Brunner recommended this be adopted as a policy. Pettis asked if this could be open for Penn and WSOR to handle. In the end it was decided to have an action agenda item for the July meeting to establish policy for utility permits and crossing licenses'.

Penn said that due to time constraints, she would address at-grade crossings at the next meeting and then asked about the possibility that Commissioners no longer be sent hard copy meeting packets as the cost of printing and postage were going up. After some discussion, Sweeney said that meeting packets would be emailed only. Karl Nilson would continue to receive hard copies as his computer would not allow attachments.

17. Action Item. Adjournment

- *Motion to adjourn at 11:20 AM – Gustina/Scallon, Passed Unanimously*