

WISCONSIN RIVER RAIL TRANSIT COMMISSION
 COMMISSION MEETING - FRIDAY, NOVEMBER 6TH, 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, <i>2nd Vice Chair</i>	x	Rock	Ben Coopman, Alternate	
	Rocky Rocksford	x		Wayne Gustina	x
				Alan Sweeney, <i>Chair</i>	x
Dane	Gene Gray, <i>Treasurer</i>	x	Sauk	Terry Thomas	excused
	Jim Haefs-Fleming	excused		Marty Krueger, Alternate	x
	Chris James, <i>Vice Secretary</i>	excused		John Deitrich	
Grant	Gary Ranum	x	Walworth	Scott Alexander	x
	Vern Lewison	x		Dave Riek, <i>3rd Vice Treasurer</i>	x
	Robert Scallon, <i>1st Vice Chair</i>	x		Kevin Brunner	x
Iowa	Charles Anderson, <i>Secretary</i>	x	Waukesha	Richard Kuhnke, <i>2nd Vice Treasurer</i>	absent
	William G Ladewig	x		Allen Polyock	x
	Jack Demby	x		Karl Nilson, <i>4th Vice Chair</i>	x
Jefferson	John David	x		Dick Mace	x
	Laura Payne	10:17 AM		Carl Pettis	absent
	Augie Tietz, <i>3rd Vice Chair</i>	excused			

Commission met quorum.

Others present for all or some of the meeting:

<ul style="list-style-type: none"> • Mary Penn, WRRTC Administrator • Ken Lucht, WSOR • Kim Tollers, Rich Kedzior WisDOT • Forrest Van Schwartz • Jim Matzinger, WRRTC Accounting 	<ul style="list-style-type: none"> • Alan Anderson, Pink Lady RTC • Chris Long, Village of Mazomanie • Bryan Schumacher, Mid-Continental Railway Museum • Dave Constantine, State Assembly
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3. Action Item. **Certification of Meeting’s Public Notice** – Noticed by Penn
 - Motion to approve posting of meeting – Ladewig/Scallon, Passed Unanimously

4. Action Item. **Approval of Agenda** – Prepared by Penn
 - Motion to approve agenda as amended – Nilson/Alexander, Passed Unanimously

Alan Sweeney amended the agenda to move Item 15 to Item 8A.

5. Action Item. **Approval of draft October Meeting Minutes**– Prepared by Penn
 - Motion to approve draft October meeting minutes with corrections and clarifications – Mace/Gustina, Passed Unanimously

Dick Mace said he had found the bike trail discussion (starting on page 4 item 12 and continued through page 5) somewhat confusing. He said he had spoken to Mary Penn prior to the meeting and said he would be asking for clarification on the issue in question, particularly as to fences and their lengths. Karl Nilson and Gary Ranum also had minor corrections noted.

6. Updates. **Public Comment** – Time for public comment may be limited by the Chair
 Dave Constantine, State Representative from Baraboo introduced himself and said as he had never been to a meeting before, he wanted to see how things went.

7. Updates. **Announcements by Commissioners** – No Discussion Permitted
 Nilson reminded everyone of the upcoming Freight Rail Conference. Kim Tollers confirmed it was not too late to sign up. There was some discussion and clarification as to the conference location, time and hotel name.

REPORTS & COMMISSION BUSINESS

8. **WRRTC Financial Report** – Jim Matzinger, WRRTC Account.
 - Motion to approve the Treasurers Report – Gray/Krueger, Passed Unanimously
 - Motion to pay the bill – Anderson/Mace, Passed Unanimously

Jim Matzinger presented the Treasurer's Report, saying they were the typical financials. He explained project payouts. He was asked about \$39,000.00 cash on the balance sheet wherein it was discovered it was not on the balance sheet distributed. He corrected that it should be \$40,000.00 on the distributed sheet. On the income statement, Matzinger reported on revenue from WSOR, leases, permits, and interests and confirmed the amounts. He said signed leases were the only things that had changed, making reference to the WC Grunow lease. He said a second company, Lamar, had taken one of their two leased signs down so their lease amount had dropped by fifty percent. Gene Gray asked if they had been billed. Matzinger said they had and it was up to the Commission to pursue them. Mace asked about the timing of the Grunow lease and when it had stopped. Penn explained how the Lamar change came about. Allan Polyock said the Grunow sign had been used the past two years. Tollers said if the sign was in the State of Wisconsin it was the responsibility of WisDOT. Sweeny asked Tollers to investigate if it were the State's responsibility. Matzinger said there were three signs with two different leases and the Commission needed to identify where they were. Tollers asked Penn to send her copy of the Grunow lease.

Matzinger said everything was on budget and expected "no surprises" and should finish the year on budget. He said some expenses would not be incurred so the lease loss would not be significant. He added there was one bill for accounting services.

8 a. Discussion and Possible Action on 2016 WRRTC Budget – Gene Gray, WRRTC Treasurer

Matzinger presented the 2016 budget. He said the main revenue were county contributions and noted it had been steady since 2013, and had increased since Jefferson County's joining in 2014. He said Crawford County continued to repay its old dues and that WSOR lease continued to be paid and then spoke of the other smaller lease revenues. He noted that none of the fee amounts of the smaller leases (gas and signs) had been addressed since he had started. He noted that permit revenue "bounced around" and it remained conservatively at \$1800. He did not want to over budget for that. Mace asked about a seeming anomaly of \$1500.00 and in 2014 of \$6200.00. Matzinger said it was a variety of permit holders but did not know specifically what generated it.

Under expenses, things were fairly steady including management, accounting services, etc. Matzinger said the audit expense was going up and noted that Johnson Block had under billed last year. He said legal was also an anomaly last year, due to all the acquisitions in 2014. Nilson asked if the legal amount had been adjusted.

Sweeny said they were here to adjust the numbers. Gary Ranum said if 2014 was an anomaly then a legal budget of \$4,000.00 was reasonable. Gray said with four years of numbers you could take an average and smooth it out. Sweeny asked Gray if he thought \$4,000.00 was sufficient for legal expenses. Mace said he was nervous about \$4,000.00. Laura Payne asked if there was anything significant anticipated for next year. Sweeny said Green County could possibly join the WRRTC. Mace said the Waukesha CN-WSOR junction issue was still on the table.

- *Motion to raise legal expense from \$4,000.00 to \$6,000.00 – Allan Polyock/Cornford,*
 - *A show of hands "yes", 10*
 - *A show of hands "no", 10*
- *Motion failed on a tie vote*

Matzinger commented that if any changes were made in the operating budget at this point, there were \$5100.00 in expenses so if legal went up by \$2,000.00, the deficit would rise to \$3500.00 which in turn would reduce money paid out to projects. He said the Commission was collecting \$259,000.00. He said if operating expenses were short, the money for projects would drop: rail projects would drop by \$2,000.00

Nilson said if legal budget went up to \$6,000.00 but was not exhausted, the excess would go to projects. Matzinger agreed but said any dollars left over would go into savings. Nilson said if the Commission stayed with \$4,000.00 or go to \$6,000.00, the Commission would still pay Eileen Brownlee. Matzinger said if only there were \$2,000.00 left over from legal then the Commission could make a motion for it to go either to projects or to the cash balance in the reserves. Marty Krueger said this had been discussed last month and could not support the motion. He said the Commission was here to do rail projects and not employ attorneys. He said he thought the \$4,000.00 from last month was based on sound advice. Charles Anderson asked when Brownlee would bill. Matzinger said she billed at the end of the year, adding that that was for 2015. Anderson asked if they had enough to pay her from last year. Matzinger said budgets were not rolled forward. Anderson asked what they had paid last year. Matzinger pointed out what had been paid. Krueger said he believed the discussion had included \$300 and that was why it was raised to \$4,000.00.

Mace asked about bridge inspections and wanted to know how much would be paid this year. Sweeny asked Tollers to speak to the issue. She said she did not know but said Frank Huntington had suggested inspections periodically and the topic had come up when doing the acquisitions but she did not recall arbitrary bridge inspections. Ken Lucht said this was in direct relation to the Sauk City Bridge and said there had been a need for annual inspections in the past 5 years. The \$1,000.00 total came from Westbrook Associates, the bridge inspection company who had done the work in the past. Tollers agreed with Lucht and said the Sauk City Bridge was inspected more often. Nilson said that was the pier of the bridge that was blown up and said it had to be looked at every few years, noting that the last time it was inspected it had not moved.

Bill Ladewig asked if the Sauk Trail would be impacted by this bridge. Ranum asked for clarification on the bridge identified. Tollers clarified it was for the Sauk City Bridge, not the Spring Green Bridge. Sweeny asked Tollers if she saw a need for re-inspection. Lucht said he had suggested that it be inspected every 2 years, based on the past inspection report and a couple of years of flooding. He said there were no indications that the Wisconsin River was flowing harder or changing course and recommended the Commission revisit the issue in 2017.

- *Motion to remove \$1000.00 for bridge inspections from the budget – Ladewig/Mace, Passed Unanimously*

Sweeney said his only question was on the leases and Matzinger's comment about those amounts not changing. Polyock said the sign leases should be a lot more than what the Commission was getting, suggesting that \$1,000.00 a month was not unreasonable. Mace asked about the sign leases and how they were increased and whether there was language to that. Tollers said WisDOT leases were often inherited from the railroad and they went with that and reformatted only in some cases, adding that WisDOT rarely raised their rates.

Ladewig said to check with Brownlee on whether or not they could raise the rates and if so, raise them next month. Nilson said checking with Brownlee would cost more than the return in lease revenue. Tollers asked if they wanted WisDOT information on their cost for sign leases. Sweeney said yes. Mace asked who had the leases and asked Penn to share the Lamar lease with the Commission. She said she would share them. Gray said he did not see a problem with raising leases to reflect the rise in the county contribution amount. Nilson said it would cost them more to change the leases than to just go forward. Nilson suggested looking at lease amounts be an agenda item for the December meeting and Sweeney agreed.

- *Motion to approve amended 2016 proposed budget – Brunner/Ladewig, Passed Unanimously*

Ranum asked if the \$1,000.00 was not spent would it go to projects. Sweeney said yes by default.

9. Discussion and Possible Action to Approve September 2015 Treasurer's Report – Mary Penn, WRRTC Admin.

Sweeney said they had not acted on the September 2015 Treasurer's Report at the last meeting as the Commission had gotten distracted by Matzinger's presentation on finances.

- *Motion to approve September Treasurer's Report – Anderson/Cornford, Passed Unanimously*

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

Ken Lucht reported that the replacement tie project on the Watertown sub was well underway. He said the Fox Lake Continuous Welded Rail (CWR) Phase 1 project between Beloit Ave and Janesville which went through the GM plant was going very well and the contractor should be completing the work in 60 days.

He spoke about the reactivation of the Sheboygan project, saying that Dec. 4th was the date that project needed to be done. He noted that this project outside of the WRRTC area. He said the line was active and they hoped to schedule the first train in mid-November. He said the customer was Bemis Manufacturing, the county's second biggest employer.

Next he reported on Illinois bridges. He said WSOR was given direction on design and engineering for three Illinois bridges. He said WSOR had consulted their legal team and reported that WSOR was on "good ground" with these bridges and noted they would be entirely funded by WSOR. He said he would report the work progress on these bridges to the Commission.

Lucht said WSOR was waiting for agreements from WisDOT on bridge agreements and also for the tie project on the Prairie sub, in which WSOR was waiting for the grant agreement. He said WSOR's priorities were the Phase 1 CWR on the Prairie sub from St. Feriole to Wauzeka and Phase 1 CWR from Waukesha to Prairie du Chien, going east towards Milton. He said WSOR was waiting for that award, as well as the grant award for the Spring Green Bridge and the award for the final Phase of CWR on the Fox Lake sub.

He said WSOR did not get the TIGER grant and apologized for the failure. He said it was the sixth time WSOR had tried and failed. He said he would present a plan for 2014 and 2015 capital projects in future, reassuring the Commission that WSOR was meeting their commitments to projects.

Lucht was asked about the Illinois bridges and which ones would be worked on. Mace asked about crossings versus tie replacements on the Waukesha sub. Lucht said WSOR was working on tie replacements. Mace asked if tie replacement were concurrent with CWR. Lucht confirmed they were, adding that there was a state tie project on the Waukesha subdivision.

Ladewig asked if WSOR would be affected by Oscar Meyer or GE closing down. Lucht said Oscar Meyer was not a rail customer. He did not know about Quad Graphics and said they did serve one of those two plants in Wisconsin.

Scallon asked about the Illinois bridges and if any other railroads used them. Lucht said only WSOR used them.

Sweeney asked if WSOR had done any major bridge work in Illinois on the Fox Lake sub. Lucht said no and said he did not know how many bridges there were.

11. WisDOT Report – Kim Tollers, Rich Kedzior WisDOT

Rich Kedzior said Rails and Harbors had reviewed their grants to date and their recommendations were going to the State Secretary of Transportation for consideration. Sweeney asked for those to be presented in December as Kedzior could not say which ones. Kedzior said he would send the press release to Penn as soon as he had it.

In reference to the Freight Rail Conference, Tollers said it was \$35.00 and pay at the door. Tollers asked Penn to forward the most recent agenda to the Commission. Sweeney listed some of the presenters for the conference.

Nilson asked if everyone knew that the former Commissioner of Railroads Rod Kuen had died. Penn said Tollers had reported it at the last meeting.

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

Penn listed the correspondence she had received since the last meeting and updated the Commission on her administrative tasks of the past month. She said that due to a medical issue with her son she would not be attending the Freight Rail Conference after all. Polyock asked Penn if she had received a letter from a woman in Illinois in regard to a drainage issue. Penn said she had not.

13. Discussion and Possible Action on Termination of Grunow Lease – Mary Penn, WRRTC Admin.

Penn distributed the lease and a letter from Mrs. Grunow, which she had shared at last month's meeting. The letter stated that Mr. Grunow had died two years ago and Mrs. Grunow had not had the details of the lease, nor had she been aware of the non-payment. Nilson said he would like to release Mrs. Grunow from the lease.

- *Motion to allow immediate release of the Grunow lease – Nilson/Gustina, Passed Unanimously*

Sweeney said it was not worth pursuing and Ladewig said when Mr. Grunow died, the lease ended.

14. Discussion and Possible Action for WRRTC support for a permit to locate the Village of Mazomanie's Lake Marion Path on the ROW under the USH 14 bridge and concurrence for the sale of a portion of an extra width parcel near Cramer Street in the Village of Mazomanie – Kim Tollers, WisDOT, Chris Long, Lead Engineer, Village of Mazomanie

- *Motion to support the permit to locate in the ROW and concurrence of the sale of a portion of an extra width parcel near Cramer Street in the Village of Mazomanie- Krueger/Brunner, Passed Unanimously*

Tollers said this item was a follow-up to last month's meeting and said Chris Long would present. Long gave a power point presentation to the Commission, providing a brief background on the project. He said the project was a 290' trail connector linking downtown Mazomanie to the Village's Lake Marion Park with the principal benefit of increased safety for bikers and pedestrians as it would provide a safe route away from the railroad tracks. He said the Village had been talking with WISDOT and WOSR about this for several years and now hoped to construct in 2016.

Mace asked about the visuals as presented and what they showed. He received confirmation that the fencing under the viaduct was in the Town of Mazomanie. Long said the property itself was owned by the State, adding that the Town supported the project.

Long showed the pertinent points on the visual, pointing out the Wolf Run Trail which picked up at Crescent Street. He said the proposed trail was independent of Wolf Run. Mace said that last month's minutes had not been clear. Long said the permit they were pursuing for this project would reference an agreement to place an impervious fence to prevent access of Wolf Run Trail users from crossing the railroad to the project trail.

Long proceeded through his power point, explaining the project via the visuals, explaining how the trail would connect. Mace asked about some private properties shown. Long said they were acquiring easements from these private property owners and listed other easements necessary to get access. Nilson asked if platted portions were paved. Long said the trail would be paved and would be the only development in the area. He said it would be 8' wide with 1' gravel shoulders. Long said the trail would be built and maintained by the Village and pointed out the route of the trail as it progressed. Long said when the trail came into the corridor, there was a volunteer trail and the proposal was to bring that trail up and along a trail embankment outside of the railroad right of way (ROW) and between the County Highway KP ROW. He said the volunteer trail was along the railroad and it was this trail that would be eliminated by having the new trail pass 25' higher up the embankment.

Long gave additional details on the pass under the viaduct, saying as the user approached or left the highway, the trail would be protected by a 10' angle topped fence, cut and fill with a retaining wall, and this would all have to be approved but said the Village had had preliminary meetings with WDOT on this. He noted on the other side would be a 10' angle top fence and cut and fill with retaining wall. He said the actual incursion was 201' but the fence would be extended further on for additional safety. Long explained the run of the trail and its location in relation to the abutment, saying that fencing and abutments would be used to give safety to users.

Long said the fencing would control traffic and the grade up the embankment was fairly gentle. Nilson expressed doubt that cyclists would not continue to use the "volunteer" trail. There was confirmation that the fence would be on average 25' from the railroad.

Long pointed out 2900' of excess ROW. He said a property owner in the area had refused an easement and explained how the project avoided this property as a result. He said it was roughly an 11' wide strip. Long pointed out another fence that would prevent users from coming out of one trail, accessing the railroad, and getting to the other trail. He said the materials and fencing and other materials would be referenced in the permit from WisDOT.

Ladewig asked about policing of the trail. Long said it would be maintained and policed by the Village. Ladewig asked for clarification on whether it was owned or transferred to the Town from the Village. Nilson asked about the road by the non-cooperative property owner and if that led to a path. Long said this was the excess ROW but was not on the private property of the private landowner in question. He said there was a strip of excess ROW and what was they were seeking to acquire from WisDOT would give them the room for the trail. Lucht said the Village had done a good job of doing this and working with the railroad on it. He said WSOR saw a pinch point but this project should remove it. Lucht said there needed to be language in the permit that would allow additional fencing for other trespassing points and also the potential for a new crossing in the future. Tollers said WisDOT was in concurrence with the project to help address trespassing and the issue of users accessing the track to get to the Lake Marion Park. As far as selling an extra piece of ROW, she said it did not serve the railroad at all and WisDOT was fine selling it as it would help relieve liability to the railroad and was a logical way to proceed.

Sweeney asked if construction issues had been addressed. Tollers said WisDOT had confirmed, adding that the Village was working on this and WisDOT was ok with where and how the trail will be handled by Mazomanie.

Anderson asked for some clarification on the length of fence. Kevin Brunner said this seemed like a well thought out and well addressed project. He asked if all the permit issues had been worked out. Tollers said not yet but would be. Krueger said he had made the motion based on WSOR and WisDOT having no problem with the project. Long said they were discussing contingency ideas. Tollers said the extra fence was a great job on the part of the Village and praised their efforts which addressed a safety problem. Mace expressed his appreciation of the presentation as it had answered a number of his concerns from the last meeting.

15. Discussion and Possible Action on Proposed Donation of Rail and OTM to Mid-Continent Railway Museum from MG&E site in Madison, WI – Ken Lucht, WSOR

Lucht said he had asked for this item and said there was a project proposal between MG&E, Mid-Continent, and WSOR to possibly donate some rail infrastructure but at this point the agreement was not completed. He anticipated it would be ready by December. Lucht said in concept MG&E had some rail and some portion of property in the City of Madison that was unused. He said WSOR was ok with some rail donation of two blocks worth. He said some of the rail identified was still part of WSOR's active system. Bryan Schumacher of Mid-Continental spoke and said the museum would like to ask that any rail available be donated. He then gave an explanation of the museum, noting that they were still recovering from flooding in 2008 and as a result of dropping ridership. He said a donation of rail would be helpful in replacing the old 60 lb. rail of their main line. At this time the museum could not afford to purchase replacement rail. He explained the mission of the museum and thanked the Commission for their time. Sweeney confirmed this would be an action item in December.

16. Action Item. Adjournment

Motion to adjourn at 11:31 AM – Cornford/Gustina, Passed Unanimously