

# Wisconsin River Rail Transit Commission

Executive Committee Meeting – Friday, 12 September 2008 at 10 AM

Dane County Hwy Garage, 2302 Fish Hatchery Rd, Madison, WI

1. Chair, Karl Nilson, called the meeting to order at 10:03 a.m.

2. Commissioners present for all or part of the meeting:

County	Commissioner	Sept	
Crawford			
	Tom	Cornford	X
	Kersten	Rocksvold	
Dane	Jim	Haefs-Flemming	F
	Forrest	Van Schwartz	X
	Gene	Gray	X
Grant	Robert	Scallon	X
	DuWayne	Carlin	
	<b>Margaret</b>	Ruf	F
Iowa	Gerald	Dorscheid	X
	<b>Joe</b>	Thomas	
	Charles	Anderson	

X = XCom Member; F = Member of the Full Comm.

**Others present for all or part of the mtg (see below):**

Joni Graves (SWWRPC / WRRTC Administrator); Eileen Brownlee (Kramer & Brownlee); Ron Adams, Frank Huntington, Roger Larson, and LeAnna Wall (WisDOT); Ken Lucht (WSOR); Jim Matzinger (Dane County Hwy CPA / WRRTC Accountant); Kathy Jennings (MSA for the Village of Arena, WI); Bonnie DeGroot and Mack Sherman (Village of Spring Grove, IL); Amy Seeboth (SWWRPC).

County	Commissioner	Sept	
Rock	Alan	Sweeney	X
	<b>Terry</b>	Thomas	
	Katie	Kuznacic	
	<i>Ben</i>	<i>Coopman</i>	
Sauk	Joel	Gaalswijk	
	Larry	Volz	X
	Halsey	Sprecher	F
	<i>Rob</i>	<i>Sinklair</i>	
Walworth	Allan	Polyock	
	Jerry	Grant	
	Richard	Kuhnke	X
Waukesha	Karl	Nilson	X
	Richard	Manke	
	<b>Fritz</b>	Ruf	

3. Motion accepting Graves' certification of open meeting notice / Van Schwartz / Cornford / Passed Unanimously.

4. Motion approving the Agenda, prepared by Graves, with #12 and #13 moved up on the Agenda / Kuhnke / Sweeney / Passed Unanimously.

5. Motion approving the draft August Minutes, prepared by Graves / Volz / Scallon / Passed Unanimously.

6. Public Comment –NA

7. Correspondence & Communications:

- Bob Scallon (Grant) said the County Board Chair requested that he present the WRRTC's 2009 funding request.
- Larry Volz (Sauk) said all County Board members there got info from two villages who continue to pursue R2T; and that the WRRTC's 2009 funding request went through the new ED committee – not highway – and that there was discussion there about possible funding for an inspection of the Merrimac Bridge. Volz said Gaalswijk is on the new committee.
- Gene Gray (Dane) circulated a recent article in the Middleton paper about WSOR.
- Bob Scallon (Grant) said there had recently been a good article on WSOR in the Boscobel paper too.
- Graves introduced new SWWRPC planner Amy Seeboth, who will provide support for some WRRTC meetings.
- Summarizing correspondence, Graves said the Commission had received notice of the EWCR's Sept 10 meeting and a Thank You card and email from Bill Gardner, in appreciation for the WRRTC's memorial contribution.

## REPORTS & COMMISSION BUSINESS

8. (formerly #12) **WRRTC property in the Village of Arena, WI, and planned removal of structures** – MSA staffer Kathy Jennings, who works with the Village, was present for the update. Lucht said that WSOR had removed rail materials from one of the sheds, except for oil which will go to the Mid-Continent Railroad Museum. Brownlee asked that Lucht let Graves know when WSOR has removed all of its property. Following the next item on the Agenda, Graves returned the Arena update and said it had been decided to pursue the possibility of having members of the Amish community dismantle the sheds and she asked if there were an update. Gray said that a six-month window had been established by the Commission and Graves said six months will go by pretty fast if the status isn't monitored. Van Schwartz said Steve Foye, Jr., had taken on contacting the Amish, but Graves noted that since it's his property that has been stored on-site, he may not have much motivation as he would likely prefer the status quo.

**FOLLOW-UP: Dorscheid said he and Anderson (Iowa County) would follow up and make a report next month.**

9. (formerly #13) **Pending Agreement with the Village of Spring Grove, IL, Redux** – Mack Sherman, Village of Spring Grove, reported that the Village cannot make a time-frame guaranty to improve the road, per the terms of the draft agreement. The WRRTC's attorney, Eileen Brownlee, distributed copies of the current draft of the agreement and explained that the draft had a two-year time-frame but the Village's attorney has said this was not a feasible financial commitment. She said she had talked with Frank Huntington (WisDOT) and Ken Lucht (WSOR) prior to the meeting and confirmed that the road has been gravel; she recommended that if it is maintained as is and improved to some standards, it would be acceptable. In response to some comments and questions, she said the two outstanding issues are the timing of improvements and the width of the right-of-way for an improved road. With regard to the latter, Sherman said the Village's bottom line is that its Road Commissioner expressed concern that 40' is too narrow, as they would have to also include width for utilities and drainage, and this would not provide enough width for shoulders and drainage. Sherman used a projector to show some pictures and said the Village could live with 50'. Van Schwartz questioned whether there was an easement for the power line shown and Sherman said the Village attorney has spent hours on research, with no success in finding answers. Brownlee said it had probably been installed per a vest-pocket agreement. Other questions related to the apparent discrepancy with the ROW width. After lengthy discussion, Sherman reminded the Commission of its interest in participating in the removal of the derelict former feed mill structure and that the Village had offered to pay half of the demolition costs. He said this participation by the Village impacts its availability of funds for improving the road. After additional discussion, Nilson asked "What if we pay to remove the building ourselves and keep our ROW with their getting permission to use the road as is?" There were many comments that this option may be cheaper in the long run. Sherman said the Village's primary interest is in the removal of the building and expressed no objections. In response to questions, Brownlee said this may be the best solution and clarified that the Commission would not need multiple bids as long as the cost is under \$25,000, but that it would require that the Commission post a Class 1 notice prior to demolition.

**Motion to pay Direct Source (Spring Grove, IL) to have the building on the Commission's property in Spring Grove, IL, demolished and trailers removed, for a cost not to exceed \$12,000, per the quote provided to the Village of Spring Grove, IL, and any further discussion was tabled / Van Schwartz / Gray / Passed Unanimously.**

*At 11:00 a.m. the Commission took a brief break ...*

**FOLLOW-UP - during the break, Graves' coordinated / confirmed several activities required for timely completion of the Commission's directive: 1) the Direct Source bid was signed over to WRRTC, Nilson signed it, and copies were made; 2) Village staff said the Village will waive costs of permits, take care of utilities as outlined in the draft agreement, and staff will process the paperwork related to granting necessary permits on Sept. 15<sup>th</sup> and fax to Brownlee; 3) Kuhnke provided contact information for the paper-of-record in adjacent Walworth County; Brownlee will place the Class 1 notice there and provide an update on the timeframe required before demolition can proceed; 4) Village staff will coordinate with Ken Lucht, WSOR, to provide 48-hour notice for flagging; 5) and Village staff will coordinate with Direct Source on the demolition and documentation of insurance coverage.**

*At 11:13 a.m. Brownlee and Village staff Sherman and DeGroot departed; the Commission returned from its break.*

**10. Wisconsin & Southern Railroad's Operations** – Ken Lucht, WSOR, provided a report on maintenance activities, capital projects, and general operations, according to Graves' notes and those taken by Amy Seeboth, while Graves summarized actions related to the Spring Grove action (see above). Lucht said Rock County gave full endorsement of WSOR's long-term rehab plan. He explained that post-flooding, general operations are back to normal and, in fact, train cars full of grain waiting for market are stacking up in urban areas because of lack of access to Chicago. WSOR President Bill Gardner is working on a proposal with UP to gain access to Chicago through Janesville / Harvard and pursuing track rights on CP property and into Chicago from the West, but the latter is held up due to CP merger proposals. Lucht said the Defect Report, which had been provided to Commissioners, justifies why the 90 lb rail on the system should be replaced with 150 lb rail and said of 122 defects, 113 were on 90 lb rail. WSOR has prioritized that 90 lb rail needs to come out in the Madison-Milton Junction area. He speculated that there would be similar defects on the 90 lb rail in the report from the Prairie du Chien Sub. In September / October, the Secretary's office will forward its proposed transportation budget to the Governor's office. With regard to RR15 (rail restoration), WRRTC had approved a letter of support last month and Nilson participated in the kick-off event in August. Lucht said there would be a meeting on September 22<sup>nd</sup> with WisDOT Secretary Frank Busalacchi and representatives from Sheboygan, the PRTC, and southwestern Wisconsin. Pictures of WSOR's locomotive painted to promote the Governor's GROW WISCONSIN initiative were circulated. In other comments, he said that on September 27<sup>th</sup>, WSOR will give free train rides in McFarland for a local event and on December 6<sup>th</sup> a Santa Train to Edgerton will coincide with their Winter Festival. A draft itinerary for the Commission's October 10<sup>th</sup> rail inspection trip was distributed and Graves proposed a new itinerary that would accommodate the Commission's regularly scheduled October 10<sup>th</sup> meeting. It was agreed that the meeting would be hosted in Rock County, which Commissioner Alan Sweeney will help to coordinate, and a revised Agenda and Itinerary will be sent to Commissioners and others.

**FOLLOW-UP: The next WRRTC meeting will be in Rock County and a rail inspection trip will follow.**

**11. WRRTC Financial Report** – Jim Matzinger, Dane County CPA / WRRTC Accountant

**Motion accepting the Treasurer's Report and approving the payment of bills, as presented / Van Schwartz / Sweeney / Passed Unanimously.**

**12. WRRTC Administrator's Report** – Joni Graves, SWWRPC Trans. Planner / WRRTC Administrator, provided an update on the Sauk County rehab funding request (via Dick Goddard, Pink Lady Rail Transit Commission); renewal of WisDOT's Grant County snowmobile trail permit extension (via Vicki Schaefer, WisDOT); and circulated copies of the most recent [www.wrrtc.org](http://www.wrrtc.org) usage report.

**13. WisDOT** – Frank Huntington said it was his understanding that the parties have agreed to all of the Badger Agreement terms now, although WisDOT staff have not seen the draft document yet. The next step is that it would have to go through the appropriate congressional committee before it would be final – he said that the GSA has not been too encouraging about the timeline for that, but completion seems but likely next year. On another matter, he said WisDOT has been working with Avoca and commented that WSOR has done an excellent job of accommodating the situation out there noting that, although some in the Village see the flooding problem as related to the RR bridge, WisDOT does not concur as there are other topographic concerns and factors. He said he wanted to stress that the RR has done what it can do and has done a good job there.

**In other business**, Nilson asked whether everyone had gotten a copy of the RESOLUTION and Lucht said it had not been sent yet but that WSOR would communicate with each county re the budget / finance plan.

**14. The meeting was adjourned by consensus at 11:57 a.m.**