

# Wisconsin River Rail Transit Commission

Full Commission Mtg – Friday, 06 Nov. 2009 @ 10am • Dane Co. Hwy, 2302 Fish Hatchery Rd, Madison, WI

1. Karl Nilson, Chair, called the meeting to order at 10:00 a.m.
2. Commissioners present for all or part of the meeting:

|          |                                      |                |   |
|----------|--------------------------------------|----------------|---|
| Crawford | Tom Cornford                         |                | x |
|          | Rocky Rocksvold                      |                | x |
|          | Vacant                               |                |   |
| Dane     | Gene Gray                            | Treasurer      | x |
|          | Jim Haefs-Fleming                    |                | x |
|          | Forrest Van Schwartz                 | Advocate       | x |
| Grant    | DuWayne Carlin                       |                | x |
|          | Margaret Ruf<br><i>Arrived@10:15</i> |                | x |
|          | Robert Scallon                       | 2nd Vice Chair | x |
| Iowa     | Charles Anderson                     |                | x |
|          | Gerald Dorscheid                     | Vice Treasurer | x |
|          | Joe Thomas                           |                |   |

|          |   |            |   |
|----------|---|------------|---|
| Rock     | Ben Coopman                             | Alternate  | x |
|          | Katie Kuznacic<br><i>Arrived @10:36</i> |            | x |
|          | Alan Sweeney                            | Secretary  |   |
|          | Terry Thomas                            |            |   |
| Sauk     | Joel Gaalswijk<br><i>Arrived@ 10:35</i> |            | x |
|          | Rob Sinklair                            |            |   |
|          | Frederick Halfen                        |            | x |
|          | Larry Volz                              | Vice Chair | x |
| Walworth | Jerry Grant                             |            | x |
|          | Richard Kuhnke                          |            |   |
|          | Allan Polyock                           |            | x |
| Waukesha | Karl Nilson                             | Chair      | x |
|          | Richard Manke                           |            | x |
|          | Fritz Ruf                               |            | x |

## Others present for all or part of the meeting:

Amy Seeboth (SWWRPC / WRRTC Administrator); Frank Huntington (WisDOT); Virgil Casper (Pink Lady RTC); Ken Lucht and Bill Gardner (WSOR); Jim Matzinger (WRRTC Accountant)(at 10:15); Kim Howarth (Town of Darien Legal Counsel), and Matt Smith (Town of Darien Supervisor).

3. **Motion accepting Seeboth's certification of Public Notice.** *Dorscheid / Van Schwartz / passed unanimously.*
4. **Motion accepting the Agenda, prepared by Seeboth.** *Van Schwartz / F. Ruf / passed unanimously.*
5. **Motion approving the draft Sept. Minutes (Oct. Meeting was Cancelled).** *Van Schwartz / Scallon / passed unanimously.*
6. **Public Comment** – Bill Gardner of WSOR presented the Commission with a plaque featuring cross cuts of two rail ties, one a 90# tie, the other a 118# tie, and saying "Meeting tomorrow's rail needs" as a reminder and thanks for why WSOR and WRRTC are working together.  
Virgil Casper of the Pink Lady RTC informed everyone that he is stepping into the position of president as Dick Goddard has had to step down from the position due to health concerns. He provided a brief update on the Pink Lady and said that they will continue to be in close communication with WRRTC on many issues.
7. **Correspondence & Communications** – Amy Seeboth told the Commissioners about a request that she just received to pass a private crossing permit from an existing home owner to a new purchaser in the Town of Muscoda. Eileen Brownlee had advised that the permit be granted, but Commissioners requested that the permit be placed on the Dec. agenda as well.

## REPORTS & COMMISSION BUSINESS

8. **Wisconsin & Southern Railroad's Report on Operations** – Ken Lucht, WSOR, reported on the following:
  - *Monthly Maintenance Activities* –WSOR is working on the Madison Sub, preparing it for welded rail. In past few weeks they have done two new reconstructed public at-grade crossings on this line. This coming Monday, they will work on a crossing on Applewood Road. A brush cutter is on the Monroe subdivision right now. The bridge in Whitewater has been out for several weeks, they are completing it right now.

- *Update on 2009 Capital Projects* - Since last WRRTC meeting, WSOR were awarded approximately \$12 by the Wisconsin DOT. This money will go to the following projects: rail restoration in Sheybogon County (WSOR is hoping to do some work on this this year still- brush cutting and dismantling of old rail), the Madison-Milton Project, a crossing renewal near Slinger, and ties near Janesville. Also, a comprehensive study of the Merrimac Bridge is on the way. WSOR went through the draft and are doing touch-ups. When the study is final, they will send a copy to WRRTC and Pink Lady.

Bill Gardner of WSOR gave the following update: This year WSOR brought on 17 new customers and just spoke with another potential customer in Waukesha where CN recently discontinued service. WSOR has submitted proposals to four entities and he hopes to see at least two out of the four sign on for business, if they get them they expect 8,000 carloads added to the rail. WSOR is ending up this year really well- they hope/expect the fourth quarter to be really good.

**9. 2010 Capital Projects** – Ken Lucht, WSOR reported the following:

WSOR still doesn't know for sure what exactly they will be able to accomplish with the funds that they were just awarded. They do have some projects they know of that they will use to apply for 2010 funding, including phase 2-3 for north Milwaukee to slinger. Also, they will likely apply for funding for Madison subdivision- they don't believe there will be enough funds in 2009 for entire project. Another project will be on the Monroe Subdivision- placing an extension from Monroe, approximately 4 miles. Lucht reiterated that WSOR has asked that the member counties contribute the same amount as they have in 2009 – though due to funding increases of WisDOT, they expect to be applying for a lot more State funds, despite this, they still hope to hold the line on the county contributions. Van Schwartz stated that it doesn't seem that counties will increase their funds to provide this additional match, but that they can possibly add an additional county (Jefferson) to help make up that cost difference.

Gaalswijk clarified that there will be rail WITH trail in Monroe- Gardner explained that that is true and clarified that the trail will be separated from rail by a significant barrier.

**10. Consideration / Action on Removal of CTH M Bridge over from CNW Tracks in Oregon, WI**

Ken Lucht handed out a letter that Bill Gardner had sent to Kathleen Falk on this issue. During the past few months WSOR has heard about a proposal to remove this bridge in question and instead create an at-grade crossing. WSOR learned that this proposal is actually in the county budget. The current bridge is in pretty bad shape. The Commission and WSOR express concern that they had not been informed of this decision until now- they both expressed concern about this project in general.

Van Schwartz said that he is trying to arrange a meeting with Kathleen Falk to discuss this issue in the next week or so. In light of this, he requested that the topic be tabled to next month's meeting for more discussion.

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

- **Motion to approve November treasurer's report and payments-** *Manke / Van Schwartz / passed unanimously.*

Additionally: Van Schwartz requested that finished accounts be dropped from future reports to help simplify the reporting, Matzinger acknowledged that he will do this.

The Commission discussed late County Payments. Crawford County is three years behind in payments, another County hasn't finished payments for this year yet. Cornford said that he has spoken with the County to see that payments are made, he requested that another invoice be sent to the County from WRRTC, Cornford thought that this would help. Matzinger said that he would do so.

Matzinger also shared a version of the 2010 budget with the Commission, where there is a 0% increase, per Commission request. The Commission noted that should they acquire additional funds in 2010 (through additional county contributions, ect) that the budget can be amended accordingly at that time.

- **Motion to accept this proposed 2010 budget as is, with a 0% increase.** *Van Schwartz / Cornford / passed unanimously.*

**WRRTC 2010 Adopted Budget**

| <b>Operating Revenue:</b>              |         | <b>Total</b>    |
|--|---------|-----------------|
| 2010 Member Insurance Assessment       | 8,160   |                 |
| Wisconsin Southern Lease               | 30,000  |                 |
| Other Leases                           | 2,000   |                 |
| Interest                               | 1,000   | <b>41,160</b>   |
| <br>                                   |         |                 |
| <b>Operating Expenses:</b>             |         |                 |
| Management Contract                    | 24,000  |                 |
| Accounting Services – Dane Co.         | 5,500   |                 |
| Audit Services                         | 4,000   |                 |
| Legal Services                         | 4,000   |                 |
| Bridge Inspection                      | 0       |                 |
| Per Diem / Web Site / Misc.            | 1,000   |                 |
| Insurance                              | 17,000  | <b>55,500</b>   |
| <b>Net Operating Expenditure</b>       |         | <b>(14,340)</b> |
| <br>                                   |         |                 |
| <b>Capital Revenue:</b>                |         |                 |
| 2010 WRRTC Construction Assessment     | 208,000 |                 |
| 2010 PRTC Construction Assessment      | 25,000  | <b>233,000</b>  |
| <br>                                   |         |                 |
| <b>Capital Expenses:</b>               |         |                 |
| 2010 WSOR Construction Contribution    | 233,000 | <b>233,000</b>  |
| <b>Net Capital Expenditure</b>         |         | <b>0</b>        |
| <br>                                   |         |                 |
| <b>Member Assessment</b>               |         |                 |
| WRRTC (0% Increase = \$26,520 each) *8 | 212,160 |                 |
| PRTC (0% Increase = \$25,000) *1       | 25,000  | <b>237,160</b>  |
| <br>                                   |         |                 |
| Construction                           | 229,000 |                 |
| Insurance                              | 8,160   | <b>237,160</b>  |

Seeboth handed out copies of the approved 2008 audits to each County.

*The Commission recessed for a 10 minute break.*

**12. WRRTC Administrator’s Report** – Amy Seeboth, SWWRPC Transportation Planner circulated copies of the October usage report for the Commission’s website [www.wrrtc.org](http://www.wrrtc.org) . She also reviewed 2010 meeting dates with the Commission. Concern was brought up regarding the April meeting, and whether Commissioners will be settled and ready to meet due to County elections. The Commission decided that if there was little content for that meeting, it should be cancelled.

**13. WisDOT Update** – Frank Huntington from WisDOT provided an update on the following: WisDOT has just completed acquisition of Track in the Badger Army Ammunition Plant. This track will now be taken care of and under control of WSOR. Also, the Sauk City conversion of track to Rails-to-Trails come up a number of times in the past year. WSOR and WISDOT have been invited to a Sauk Prairie planning meeting next Wednesday to discuss this. Someone from the Commission should be involved in this meeting. Larry Volz suggested that it be the Sauk County representatives who attend.

Huntington also reported on a couple of things happening in the Madison area- in the new budget there is money for the UW power plant to go to biofuels and natural gas. They will therefore, have four times the volume coming in on the rail with some sidings and facility changes needed. There Commission will have some involvement with this. Frank passed around a drawing of the main layout. This project is just getting started and will move into action in the next two years. Power companies are required to have a minimum of two weeks material available, so the staging needs will be quite large.

In Madison, they are beginning to hold meetings regarding commuter rail and the Commission will have to be involved in this agreement as well.

Bill Gardner said that WSOR and UP are meeting on the 17<sup>th</sup> - they are talking about selling them the Johnson St yard, as well as some lines. They will need to work with WRRTC to extend the agreement to take on this additional mileage.

**14. WRRTC D&O Insurance with Richgels-Schaefer Agency Inc.** Seeboth reminded the Commission that this issue came up per Commissioner request. The Commission has wondered whether they need their own Directors & Officers insurance. Seeboth obtained a quote on such a policy from Richgels-Schaefer Agency Inc. Eileen Brownelee (WRRTC Legal Counsel) advised that D&O Policies can be tricky because there can be many gaps in the Policy, but that if Commissioners are not yet covered by their individual County Policies, that WRRTC may want to acquire D&O Insurance on their own. The Commissioners were to talk with their County Corp. Counsel about whether they were each already covered under their own County insurance for their actions on the WRRTC. Waukesha, Walworth, Rock, and Dane County each reported that their Corp. Counsel believed that the WRRTC work was already covered. Grant County recommended that the WRRTC follow any advice given by Brownlee, Crawford is still looking into their coverage, and Sauk County was advised that WRRTC work was not covered by the County Policy. The Commission requested that Sauk, Grant, and Crawford look deeper into the issue and then the topic will be discussed at next month's meeting.

**15. Lease with Lamar Advertising** – The Commission received a lease renewal form from Lamar Advertising for some property in Illinois. Van Schwartz was concerned that the lease was worth too little funds. The Commission requested that Brownlee review the lease and that the item be placed on the Dec. Agenda.

**16. Update on PRTC County Contributions** – The Commission would like to see the PRTC County Contributions (currently \$25,000) be brought up to the same level as the other County Contributions (\$26,520). PRTC Member counties include Green, Iowa, Rock, and Lafayette. An old agreement saw that Counties who belong to more than one RTC only pay contributions to one RTC. In this case, Iowa and Rock pay their contributions to WRRTC. Lafayette County has no active rail and so pays no Contribution. Green County, therefore, is the only PRTC County that pays an RTC Contribution to PRTC. Green County, therefore, is the only RTC County only paying \$25,000. Seeboth reported that she forgot to place this item on the Oct. PRTC meeting agenda but will do so for their January Meeting.

**17. Jefferson County RTC Membership**- The Commission would like to continue to communicate with Jefferson County about joining the RTC. Seeboth has drafted a letter to Jefferson County regarding this and will review it with Van Schwartz, Sweeney and Lucht. That group will report back on a plan for approaching Jefferson County at the Dec. Meeting.

- 18. Town of Darien request to purchase North Road Bridge** – Kim Howarth (Town of Darien Legal Counsel), and Matt Smith (Town of Darien Supervisor) met with the Commission to request purchasing the North Road Bridge from the Commission. While there is no formal record of ownership on this bridge that can be found, all indications point that the Commission is the owner of the bridge. The Town would like to purchase the bridge, which is in ill repair, so that they can fix it up. Ben Coopman indicated concern that “selling” this bridge or relinquishing any rights to it might set precedence for how the Commission should handle all the other bridges that they own and that are in ill repair throughout the region. Nilson stated that he does not believe the RTC is setting any precedence by discussing and dealing with each bridge one at a time.
- **Following the receipt of written concurrence from WDOT and WSOR the Commission agrees to convey any rights of ownership in Bridge Structure P640089 to the Town of Darien for \$1– Gaalswijk / F. Ruf / passed unanimously.**

*Fritz Ruf left at 12:20*

- 19. WRRTC Election of Officers** –
- **Motion to reappoint the current slate with the following exception: Move Volz to Vice Chair – Manke / Van Schwartz – Passed Unanimously**
  - **Nomination to appoint Robert Scallon to second Vice Chair – M. Ruf / Hearing no other nominations, passed unanimously.**

**2009-2010 Officers are as follows:**

**Chair:** Karl Nilson

**Vice Chair:** Larry Volz

**2<sup>nd</sup> Vice Chair:** Robert Scallon

**Secretary:** Alan Sweeney

**Treasurer:** Gene Gray

**Vice Treasurer:** Jerry Dorcheid

**Advocate:** Forrest Van Schwartz

- 20. Motion adjourning the meeting at 12:29 p.m. - M. Ruf / Gray / passed unanimously.**