

WRRTC DECEMBER 2019 MEETING MINUTES – APPROVED

**Wisconsin River Rail Transit Commission
Commission Meeting - Friday, December 6th, 2019 at 10:00 am
Dane County Highway Garage, Madison, WI**

1. 10:00 AM **Call to Order** – *Alan Sweeney, Vice-Chair*
2. Roll Call. **Establishment of Quorum** – *Matthew Honer*

Crawford	Carl Orr	<i>Excused</i>	Jefferson	Mary Roberts	X
	Rocky Rocksvold, <i>2nd Vice Chair</i>	X		John Kannard	X
	Derek Flansburgh	<i>Excused</i>		Augie Tietz, <i>3rd Vice Chair</i>	<i>absent</i>
	Tom Cornford, Alternate	X	Rock	Terry Thomas	X
Dane	Gene Gray, <i>Treasurer</i>	<i>Excused</i>		Wayne Gustina	X
	Jeff Huttenburg	X		Alan Sweeney, <i>Chair</i>	X
	Chris James, <i>1st Vice Secretary</i>	X	Sauk	Chuck Spencer	X
Grant	Gary Ranum	X		Dave Riek, <i>2nd Vice Treasurer</i>	X
	Mike Lieurance	X		Marty Krueger	X
	Robert Scallon, <i>1st Vice Chair</i>	X		Tim McCumber, Alternate	<i>Excused</i>
Green	Harvey Kubly, <i>1st Vice Treasurer</i>	X	Walworth	David Bretl	X
	Oscar Olson	X		Richard Kuhnke, <i>2nd Vice Secretary</i>	X
	Paul Beach	X		Allan Polyock	X
Iowa	Charles Anderson, <i>Secretary</i>	X	Waukesha	Dick Mace	X
	Kate Reimann	X		Richard Morris	<i>Excused</i>
	Mark Storti	X		Karl Nilson, <i>3rd Vice Treasurer</i>	X

Commission met quorum.

Others present for all or some of the meeting:

<ul style="list-style-type: none"> • Matt Honer - <i>WRRTC Administrator</i> • Ken Lucht, Roger Schaalma – <i>WSOR</i> • Hal Bergen, citizen. 	<ul style="list-style-type: none"> • Lisa Stern, Ed Singer – <i>WisDOT</i> • Jim Matzinger – <i>Accountant</i> • Alan Anderson – <i>Pink Lady RTC.</i>
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3. Action Item. **Certification of Meeting’s Public Notice** – *Noticed by Honer.*
 - o *Motion to approve meeting’s public notice – Nilson/Cornford. Passed Unanimously.*
4. Action Item. **Approval of Agenda** – *Prepared by Honer.*
 - o *Motion to approve the amended agenda – Nilson/Kuhnke. Passed Unanimously.*
5. Action Item. **Approval of draft November 2019 Meeting Minutes** – *Prepared by Honer.*
 - o *Motion to approve the November 2019 meeting minutes with minor edits. Mace/Spencer. Passed Unanimously.*

6. Updates. **Public Comment** – *Time for public comment may be limited by the Chair.*
Hal Bergen, a citizen, had a few comments regarding the relationship between WSOR, WisDOT, and the WRRTC. Bergen stated that there are similar partnerships in other states but nothing compares in terms of the level of support that is provided to freight rail infrastructure in the State of Wisconsin. Bergen stated that since FY 2012, \$26.2M has come from state tax payers. Bergen stated that the vast majority of that money goes to WSOR. Bergen asked that the Commissioners consider the amount of public money being paid to WSOR. Bergen stated that Watco owns WSOR and due to the structure of the business, there is difficulty in determining who is profiting from WSOR. Bergen stated that he believes that the financial records of WSOR should be public. Bergen stated that because the program is unprecedented in the country in terms of public support, he urged the Commissioners to take a step back and to be more transparent as a Commission and in the Commission’s dealings with WSOR.

7. Updates. **Announcements by Commissioners**

Jeff Huttenburg is a new Commissioner from Dane County. He is a former attorney from Wisconsin Rapids and currently works with Mid-Continent Railway Museum.

Scallon asked about the budget for Coffee and wished everyone Merry Christmas.

Krueger stated that the Great Sauk Trail Commission received the report for the Bridge feasibility study for the bridge over the Wisconsin River at Sauk City. Krueger stated that a representative from MSA Engineering (contracted for the feasibility study) would be willing to present to the Commission.

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Nilson welcomed the new Commissioner and said that the Commission is unusual and is run by all of the counties. Nilson stated that it is a public private partnership with intergovernmental cooperation. Nilson said the Commission is proud of what they do.

REPORTS & COMMISSION BUSINESS

8. **WRRTC Financial Report** – *Jim Matzinger, Accountant.*

• Treasurer's Report.

Matzinger identified that permit funds are above budget. He expects management to be on budget. Legal charges are still on budget. There are no significant concerns. Ranum asked when we bill out the 2019 rail project funds. Matzinger reported that happens when WSOR bills the Commission for the project. Riek asked what quarter legal fees are billed to and it was noted quarterly. Scallon asked if BoardmanClark was the name of Brownlee's office, it was confirmed. Matzinger reported on the cash disbursements. Sweeney confirmed that the billing for BoardmanClark is included in the income statement. Mace confirmed that BoardmanClark's billings are not directly on the quarter but are close.

- *Motion to approve the Treasurer's Report, income statement, and payment of bills – Thomas/Anderson. Passed Unanimously.*

9. **Wisconsin & Southern Railroad's Report on Operations** – *Lucht – WSOR*

Lucht stated that WSOR's annual calendars are in print at the moment and they will be available in January. Lucht stated that there is a stormwater issue in Watertown that will be discussed at an upcoming meeting. Lucht stated that the stormwater comes into the rail corridor at such a high velocity that it is overtopping the rail and may take the track out of service. Polyock asked if the water is pumped on the right of way, Lucht confirmed that it is being pumped onto the right-of-way.

Schaalma reported on the year-end work of WSOR. A bridge outside of the Madison yard is complete. The bridge in Wauzeka is nearly complete along with five new culverts on both sides of it. The at-grade rail crossings have been completed for the year. The surfacing crew is on the CWR project moving from Milton east, Schaalma believes that the weather next week will slow their progress. Schaalma stated that they are brush cutting at the moment. The brush cutters are on the Harvard and Sauk Subs. Schaalma reported that in 2019, 23 miles of new rail was installed from Milton to Whitewater and Ripon to Fisk. 19,000 + ties were installed. 87 miles of ballast and surfacing work was done. Also 35 grade crossings were completely replaced, including 16 that did not include grant funding. The Waukesha Bypass and Madison 151 crossings street were highlight projects. Schaalma reported that a gentleman near Okee, WI has claimed ownership and is crossing the property with his ATV. Schaalma stated that he will work with Ed Singer and WisDOT to correct this situation.

10. **WisDOT Report** – *Lisa Stern, Ed Singer - WisDOT.*

Stern reported that WisDOT just received approval for the next round of grant awards. Kim Tollers has retired and her position will be refilled next year. A new rail engineer will be joining WisDOT in the coming weeks. Singer stated that he is working with Schaalma regarding the individual in Okee who is trespassing.

11. **WRRTC Correspondence/Communications and Administrator's Report** – *Honer, Admin.*

Honer stated that outside of the items on the Agenda he has nothing to report since the November meeting.

12. **Discussion and Possible Action regarding Hatchery Road in Spring Grove, Illinois** – *Honer, Admin.*

Honer stated that Alan Sweeney, Dave Bretl, Eileen Brownlee, Julia Potter, Ken Lucht, and himself participated in a conference call on December 3rd with representatives and counsel from the Village of Spring Grove. The Village shared their goal of seeking an easement or agreement to allow the continued public use of Hatchery Road, which is on WRRTC owned railroad property. Honer stated that Brownlee and Potter are currently spending time on this matter and will have more to share with the commission at the January meeting.

13. **Discussion and Possible Action on Application Process for Improvements to State-Owned Property** – *Honer, Admin.*

Honer stated that there have been ongoing discussions regarding improvements to state-owned property between WisDOT and WSOR, and to some extent the Commission. Honer stated that all parties believe there is value in being in general agreement regarding improvements to state-owned property. In the recent past several improvements were not brought to the attention of the Commission. It was thought that a new application procedure would satisfy this issue. The purpose of the application is to bring the proposal to the Commission and for the improvement to receive general approval from the Commission. WSOR and WisDOT are responsible for working with the company proposing the improvement to make sure that it is done safely. Following the application, the improvement would still need an agreement with WisDOT, this agenda item does not address the agreements, only an application for general approval.

Stern stated that she believes it is a good process because things tend to get lost in the process and do not always make their way to the Commission. Sweeney asked if Brownlee looked at the process, Honer stated that Brownlee has looked at the process and had no issue with it.

Ranum asked if the applicant needs to receive the three signatures prior to bringing the application to the Commission. Ranum wanted to clarify whether the signatures are for the application or for approval. Honer clarified that the signatures are acknowledgements by the three parties that they are aware of the proposed improvement. The signatures would take place after WRRTC, WisDOT, and WSOR acknowledged receipt of the application. Ranum suggested that the application should be clarified. Sweeney stated that the terms and conditions can be amended on the application form.

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Mace suggested that the title should reflect that the process can be done for either State of Wisconsin owned property or WRRTC owned property. Honer stated that if an applicant is looking for approval on improvements to WRRTC owned property the application may not need a state signature, and that a separate application can be drafted for WRRTC property.

Huttenburg suggested that the applicant sign on the first page and the acknowledgements/ approvals from WisDOT, WRRTC, and WSOR should take place on the second page. Scallon identified a typo on Item #3.

Lucht asked if the proposed process is different from what is stated in the operating agreement. Honer stated that the intent is to create a process to what is stated in the operating agreement. Honer stated that he does not believe that the process will increase the duration of the process. Lucht asked if the process applies to public improvements, such as WSOR moving a switch on state lands. Honer stated that he can follow up with Brownlee regarding Ken's question. Ranum followed that the purpose of the application was to address private improvements on public property.

Mace suggested that WSOR be referenced as rail-operator. Nilson suggested that all agencies information should be included in the application. Huttenburg asked if there is a distinction between maintenance and improvements. Lucht responded that the operating agreement improvements are defined.

Lucht asked what would happen if one party decided not to sign the application and it holds up the process.

Huttenburg and Kannard restated that the signatures from WisDOT, WRRTC, and WSOR should act as acknowledgements of the application, not a requirement that signatures are needed prior to the application being submitted. Revisions as noted above and other will be reviewed and submitted to a future meeting.

14. Adjournment

- *Motion to Adjourn at 11:05 am – Spencer/Cornford. Passed Unanimously.*