

WRRTC SEPTEMBER 2019 MEETING MINUTES – APPROVED

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

1. 10:01 AM **Call to Order** – *Robert Scallon, Vice-Chair*
2. Roll Call. **Establishment of Quorum** – *Matthew Honer*

Crawford	Carl Orr	X	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>	X
	Tom Cornford, Alternate	<i>absent</i>	Rock	Terry Thomas	X
Dane	Gene Gray, <i>Treasurer</i>	X		Wayne Gustina	X
	Jim Flemming	<i>Absent</i>		Alan Sweeney, <i>Chair</i>	<i>Excused</i>
	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	X
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	<i>Absent</i>
Iowa	Charles Anderson, <i>Secretary</i>	X	Waukesha	Dick Mace	X
	Kate Reimann	X		Richard Morris	X
	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 – <i>WSOR</i> • Jeff Huttenburg – <i>Mid-Continent Railway.</i> 	<ul style="list-style-type: none"> • Rich Kedzior, Ed Singer, Lisa Stern, Terri Beckman – <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.*
 - *Motion to approve meeting’s public notice – Nilson/Kubly. Passed Unanimously.*
4. Action Item. **Approval of Agenda** – *Prepared by Honer.*
 - *Motion to approve the agenda – Kuhnke/Ranum. Passed Unanimously.*
5. Action Item. **Approval of draft August 2019 Meeting Minutes** – *Prepared by Honer.*
 - *Motion approve the August 2019 meeting minutes with minor edits. Mace/ Kannard. Passed Unanimously.*
6. Updates. **Public Comment** – *Time for public comment may be limited by the Chair.*

None.

7. Updates. **Announcements by Commissioners**

Nilson passed around an announcement of a new podcast from Wisconsin Public Radio that tells the story of how the high-speed passenger rail was stopped in Wisconsin.

REPORTS & COMMISSION BUSINESS

8. **WRRTC Financial Report** – *Jim Matzinger, Accountant.*
 - Treasurer’s Report.

Matzinger reported on the balance sheet and the income statement. Matzinger stated that the 2019 project fund is money set aside for the Commission’s contribution to rail projects. The WRRTC fund is the current checking balance.

Ranum asked where the Commission holds the County Contributions. Matzinger stated that the money is held in the local government investment pool and interest returns have recently been better than in the past. Matzinger reported that budgeted revenues are all in, but expects additional

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permits and interest revenue. Matzinger expects billing for accounting, management, auditing, and legal to still come yet this year. Ranum asked when the 2019 project will show up on the income statement. Matzinger reported it will show up when WSOR or WisDOT bills the Commission for their contribution to a rail project. Lucht stated that the Commission has committed the project funds for 2019 and 2020 to the Merrimac bridge as a contribution to the USDOT grant.

- Update on WisDOT Loan Repayment.

Matzinger reported on the WisDOT Loan (for the Sauk Bridge Removal) repayment scheduled. He stated the Commission is scheduled to pay approximately \$22K a year for 10 years on the loan.

- Payment of Bills.

Matzinger reported on the bills for payment. Anderson asked about the accounting payment being included in the monthly disbursements. Matzinger confirmed it is included in the treasurer's report.

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

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

Lucht reported that the Continuous Welded Rail (CWR) project on the Waukesha Sub. is going very well from Milton to Whitewater. Approximately three miles are completed and he expects the rail to be fully installed by October. Following the rail, WSOR will be doing ballast and surfacing work. Following this phase of the CWR project, the next phase on the Waukesha Sub will be from Whitewater to Palmyra. Work is currently being done on turnouts and crossings ahead of the second phase. WSOR is doing final surfacing work on the Watertown Sub.

The rail-detector was on the Prairie Sub. between Prairie du Chien and Boscobel and 26 defects were found in this section. Nine of those defects could have caused derailments. The rail detector should complete work on the Prairie Sub. next week. Anderson asked if repairs are being followed directly after the tests and Lucht confirmed. Lucht reported that additional work will be done on brush spraying. Lucht stated that Kraemer North America is currently working to replace a few bridges with culverts on the Prairie Sub. near Wauzeka.

Lucht reported that the carload report should be ready for the next Commission meeting in October.

Thomas asked how the culverts, that replaced the bridges, will deal with the increased flooding on the Wisconsin River. Lucht responded that they have done the engineering work to make sure the larger box culverts are appropriate. Anderson asked if WSOR does right-of-way clean up and embankment stabilization when they spray the right of way. Lucht responded that is not done during spraying. Ranum asked what herbicide WSOR uses, Lucht responded that it is a common Round-Up herbicide.

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

Kedzior reported that the revisions and review of FY 2020 FRPP grant instructions are moving forward and hopes to have those instructions out by October. The WisDOT Annual Freight Railroad Conference will be held on November 12th at the Sheraton Hotel in Madison. Honer will forward the invitation. Stern reminded the Commission of a public hearing in Eagle on September 19th regarding the closing of Railroad St. Stern also reported that WisDOT received good applicants for the track engineer position. Mace asked about public concerns over the closure of Railroad St. in Eagle. Stern responded that there are some concerns but WisDOT has been working with the Village for over a year to address concerns and safety. She will know more about public feelings at the meeting. Stern stated that Railroad St. is an unsafe intersection and only serves as a shortcut for local traffic. Mace asked for an update on North Avenue in Brookfield. Stern stated that this is a big project scheduled in Brookfield on the Canadian Pacific line. Stern stated that WisDOT just got word from CP on how they will move forward regarding the changes to the intersection. Mace asked how long Stern expects the crossing to be closed. Stern said that she will find out more and follow up.

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

Honer stated that he continued to work on the unpermitted utility crossings in the Village of Oregon. Charter Communications provided a crossing application that the Commission will review at this meeting. Frontier Communications stated that they were not going to provide an application within the deadline that Honer provided to them. Honer stated that he submitted a formal complaint to the Public Service Commission and then the Department of Agriculture, Trade, and Consumer Protection. Honer stated that he was informed that a law passed several years ago that no longer gives the PSC or DATCP the ability to resolve disputes with communication companies and now communication companies are allowed to deal with their own disputes. The complaint was forwarded to Frontier and a response from their Office of the President was received yesterday. Frontier will look into the issue. Honer stated that he will continue to work on this until the Frontier line is in compliance.

Honer stated he received several certificates of liability insurance from rail customers.

Honer stated that he has been in communication with several member counties who were looking for additional information as they prepare their 2020 budget, including Waukesha, Green, and Iowa. Honer encouraged the Commissioners to reach out to him if their respective counties have questions regarding the requested county contributions.

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Honer stated that he received property assessment notices for ten parcels in Hebron Township, Illinois that are increasing in value between 2.7% and 3%.

12. Discussion and Action on Utility Crossing Permit in the Village of Oregon – Honer, Admin.

Honer stated that this is a utility crossing from Charter Communications. The crossing came to the attention of the Commission over the winter because Steven Sams (WisDOT Rail Engineer) saw that it was not in compliance with the engineering standards that WRRTC and WisDOT use for utility crossings.

- *Motion to approve the Utility Permit for Charter Communication on Jefferson St. in the Village of Oregon – Mace/Gustina.. Passed Unanimously.*

13. Discussion and Possible Action regarding Hatchery Road, Spring Grove, Ill. – Honer, Admin.

Scallon asked several Commissioners who were with the Commission during the time that the Hatchery Road issue was discussed ten years prior. Nilson stated that the Commission worked very hard to address a defunct feed mill at the site. Lucht stated that the parcel in question is very valuable in terms of rail operations now and in the future. Lucht stated that from the centerline of the track to the right of way, the Village's initial request was for 60 ft. of the right-of-way. From the center line of the siding is 73 ft and the Village is looking for 60 ft. of that. Lucht stated that the Village used to utilize Winn Rd to access the Fish Hatchery but no longer does.

Honer stated that he has had conversations with both Eileen Brownlee and with Scott Puma, Spring Grove's attorney. Honer stated that at the last meeting it was clear that the Commission does not want to sell the property because of the value of the property to potential future rail operations. Honer stated that a short-term lease agreement with the Village of Spring Grove for the use and maintenance of Hatchery Road with an incentive for the Village to seek an alternative access that is not Hatchery Road was discussed between Attorney Brownlee and himself. Honer stated that a potential action of the Commission at this meeting can be to direct Eileen to draft a lease agreement to share with the Village of Spring Grove, as a starting point.

- *Motion to instruct Eileen to draft a short-term lease between the Village of Spring Grove and the Commission to allow the Village to use the property on a short-term basis with the required maintenance and liability with the lease drafted to incentivize the Village to find another access to Fish Hatchery and bring it back to the Commission. Nilson/Krueger.*

Mace stated that the letters that were sent by the Village's attorney stated that the Village is not interested in a lease, so he wondered why the Commission would offer a lease as a starting point of discussion. Honer stated that counsel and WSOR advised the Commission to not sell the property due to its potential value to rail operations.

Further discussion of the property by the Commission discussed the difference between easements and leases. The Commission discussed the existing property boundaries. Honer stated that according to the Village Attorney's letter, the County's GIS is not correct and the Village has no other public access to the private properties served along Hatchery Rd. The Village completed a property survey that shows the County GIS to be incorrect. Bretl and Mace stated that they were unsure if the Commission entering into a lease agreement is the proper way to move forward and that additional discussions may be a suitable way to find some resolution with the Village.

- *Prior Motion was laid on the table so that a sit-down meeting with the Village, Brownlee, members of the Commission, Honer, and WSOR takes place before the matter can be brought back to the Commission. Krueger/Spencer. Passed Unanimously.*

14. Adjournment

- *Motion to Adjourn at 11:05 am – Gustina/Thomas. Passed Unanimously.*