

WRRTC MAY 2020 MEETING MINUTES – APPROVED

**Wisconsin River Rail Transit Commission
Commission Meeting - Friday, May 8th, 2020 at 10:00 am
Online/Phone Meeting via Zoom.**

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

Crawford	Carl Orr	X	Jefferson	Mary Roberts	X
	Derek Flansburgh	Absent		John Kannard	X
	Tom Cornford	X		Augie Tietz, <i>3rd Vice Chair</i>	X
Dane			Rock		
	Jeff Huttenburg	X		Wayne Gustina	X
	Chris James, <i>1st Vice Secretary</i>	X		Alan Sweeney, <i>Chair</i>	X
Grant	Gary Ranum	X	Sauk	Brian Peper	X
	Mike Lieurance	X		Dave Riek, <i>2nd Vice Treasurer</i>	X
	Robert Scallon, <i>1st Vice Chair</i>	X		Marty Krueger	X
				Tim McCumber, <i>Alternate</i>	X
Green	Harvey Kubly, <i>1st Vice Treasurer</i>	Absent	Walworth		
	Oscar Olson	X		Richard Kuhnke, <i>2nd Vice Secretary</i>	Excused
	Aaron Withee	X		Allan Polyock	Excused
Iowa	Charles Anderson, <i>Secretary</i>	X	Waukesha	Dick Mace	X
	Kate Reimann	X		Richard Morris	X
	Susan Storti	Absent		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, Teri Beckman – <i>WSOR</i> 	<ul style="list-style-type: none"> • Lisa Stern – <i>WisDOT</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 – Anderson/Roberts. Passed Unanimously.*
4. Action Item. **Approval of Amended Agenda** – *Prepared by Honer.*
Sweeney amended the agenda to move item 13 to under item 8.
 - o *Motion to approve the amended agenda – Tietz/Morris. Passed Unanimously.*
5. Action Item. **Approval of draft March 2020 Meeting Minutes** – *Prepared by Honer.*
 - o *Motion to approve the March 2020 meeting minutes with minor edits. Mace/Kannard. Passed Unanimously.*
6. Updates. **Public Comment** – *Time for public comment may be limited by the Chair.*
Sweeney asked that public comments be sent to Honer by email for distribution to the Commission.
7. Updates. **Announcements by Commissioners**
None.
8. Action Item. **Officer Elections**
Honer stated that he would start by asking for a nomination for chair.
 - o *Motion to nominate Alan Sweeney as chair – Nilson/Gustina. Motion to close nomination – Krueger/Anderson. Passed Unanimously.*
 - o *Motion to nominate existing officers to serve another term in the same office and to nominate Jeff Huttenburg to open position of Treasurer and Carl Orr to the open position of 2nd Vice Chair – Krueger/Reiman. – Passed Unanimously.*

REPORTS & COMMISSION BUSINESS

9. **WRRTC Financial Report** – *Honer, Admin.*
 - Update on WisDOT Loan Repayment

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Honer stated that the payment that the Commission is being asked to pay today is the eighth payment on the loan. The remaining balance on the loan is \$163,126.71.

- Authorize payment of Illinois Property Tax

In past years the Illinois Property Tax bills has arrived after a meeting and requires a quick turnaround. The total last year was \$113,100.00 in two installments. The Commission pays this bill and is reimbursed by WSOR. Due to the quick turnaround, the Commission is being asked to authorize WSOR to make the payment directly, or to authorize Jim Matzinger to make the payment. Nilson stated that he has concern with the fact that WRRTC's name is on the tax bill. Nilson wants to make sure that WRRTC's name remains on the tax bill, although someone else will be paying.

- *Motion to authorize WSOR to make the payment and provide notice to the Commission of payment amount and date – Huttenburg/Kannard. Passed Unanimously.*

- Treasurer's Report and Payment of Bills

Honer reported that there was not much to report. Matzinger stated he was concerned about the short turnaround. Balance sheet has two years of project funds which is a lot of cash, which will be there until WSOR bills us. \$79, operating cash. The Commission borrowed money from the 2019 project fund as it was a timing issue in preparation of the taxes. Rock County has not paid for 2020 and Crawford still owes from several years back that they are paying down.

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

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

Lucht provided a detailed written report to the Commission of WSOR activities over the past two months. Lucht highlighted the projects that are ongoing with the use of State funds and WRRTC funds. As well as the maintenance and local public projects that WSOR has been working on. Lucht reported that the 2019 financial report is prepared as well as the car-loads report that can be presented when situations allow. Lucht stated that WSOR is in favor of additional discussions regarding offer-to-use requests.

Schaalma reported that bids were opened for Merrimac Phase 2. It was very competitive and a low bidder was awarded for the project yesterday. McCumber asked when Schaalma believes the Merrimac bridge project will start. Schaalma stated he was unsure but is hoping for July or August.

11. WisDOT Report – Lisa Stern - WisDOT.

Stern stated that WisDOT and WSOR will begin working with engineers to close a bad crossing on the Waukesha Sub. Stern stated that WisDOT did receive initial approval response regarding an additional passenger train between Minneapolis and Chicago.

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

Honer received notice of updated certificates of liability insurance from a private crossing on the Reedsburg Subdivision and a WisDOT notice of a utility crossing on the Fox Lake Sub. in the Village of Walworth. Honer stated that he received a notice of insurance nonrenewal. He spoke with Tom Schaefer, the Commission's agent, who stated that he was surprised that the existing insurance company would not be renewing but was confident that another broker would be interested in the policy.

Honer reported that he has completed an onboarding file for new Commissioners. Honer stated that if any other Commissioner wanted the file, he would be happy to share it with them, but that due to the number of agreements, it was likely to be a large file and would like to avoid printing and sending the file. Honer stated that he hopes to update the WRRTC website with all of the contents of the file. Honer expects work to continue with the records retention schedule.

There were a few inquiries regarding private crossing agreements and Honer expects to see applications in the coming months.

13. Discussion of Improvements to state-owned railroad property in Middleton, WI – Honer, Admin.

Honer introduced the project and let the Commission know that it is a Discussion item only, and issues will be brought to the Commission at a later date for action. Honer introduced David Torkleson from Steven's Construction Corp to discuss the project. Torkleson stated that he has been working with WSOR, WRRTC Admin, and WisDOT to move through the issues that are being discussed today. Torkleson introduced the improvements that are being requested by the development that include earthen retentions that will remain in the ground on railroad property as well as new overhangs into the property. Torkleson also introduced other issues in the area that need to be addressed such as a dog park encroachment, a decorative water tower that is partially on railroad property, and a private crossing. Torkleson stated that the property developer is willing to pay for the removal of the water tower. Torkleson also stated that the property manager plans to address WisDOT's concerns about how property residents are advised that the railroad is active. Torkleson stated that all tenant and property manager agreements will state that the rail corridor is active in order to be proactive to address these concerns. Torkleson stated that another concern was the advertising sign within the right-of-way, Torkleson stated that the developer will remove the signs and not construct new signs in the future. Torkleson stated that WSOR has had concerns regarding the dog park and trespassing on the railroad right-of-way. Torkleson stated that improvements were made to the dog park to encourage residents to stay within the fence and outside of railroad right-of-way.

Torkleson further presented the fencing plan to safely manage the pedestrian traffic in the area. Scott Tebon from T. Wall Construction, representing the developer, stated that they are interested in a fence and wanted to provide a few breaks in the fence to allow someone to exit the railroad corridor in the case they were within the corridor.

Lucht stated that part of the concern in the area from WSOR's prospective is that the corridor is very narrow here, 25' to the north and 35' to south, which is about half of what the normal corridor is. Lucht discussed issues that WSOR has with encroachments in the area including a congregation area with an impromptu dog park, an unlicensed crossing, and a lack of fencing in such close proximity to residences. Lucht stated that gaps within the fencing are not practical considering the location and the high density use so WSOR recommends a continuous 4ft chain-link fence. Lucht stated that WSOR also has concerns regarding the depth of the earth retention system, because as presented it is not compliant with Trans 29 rules (rules that govern utility crossings of railroad right of way).

Lisa Stern stated that WisDOT's main concern is with the earth retention system, below grade utilities, and piling structures on the rail corridor. Stern stated that WisDOT would not normally allow the piling to be left in place. Stern also stated that the continuous fence is likely to be sufficient with the private crossing and with the public road to the east. Stern stated that other issues that WisDOT had concerns with and discussed with the developer included the overhangs and stormwater issues.

Torkleson commented that they had a surveyor look at the existing crossing and it was the surveyor's opinion that the pedestrian crossing maybe a public crossing. Torkleson stated the documents show the railroad did work in this location that would acknowledge this as a public crossing. WisDOT, WRRTC, and WSOR were informed by the Office of the Commissioner of Railroads (OCR) this crossing was at one time a public crossing, it is no longer a public crossing. It stopped being a public crossing when the City sold the property on both sides to a private entity. Torkleson stated that the overhangs will exist 38' above grade and will encroach 12" into the corridor. Torkleson stated that the earth retention system is along the entire length of the buildings and they would be open to cutting off the pilings at 5'6" below grade. Stern stated that WisDOT is willing to further discuss the abandonment of the earth retention system. Tebon stated that T. Wall is willing to work with WSOR over the next few weeks regarding the fencing.

Charles Anderson asked why the developer is not willing to make the building smaller so that it does not encroach into the building. Tebon stated that they have narrowed the buildings as much as they can in consideration of the underground parking structure. Peper asked about issues with pets entering the right of way and it is likely a good reason for the chain link fence. Nilson asked who owns the water tower. Tebon stated that it exists on railroad property and was likely installed by the previous land owner in the mid-1980s. Mace asked why any crossing is required when Parmenter Street is so close, and commented that all maintenance on the building will involve trespass into the corridor. Tebon stated that significant development is taking place in downtown Middleton including residential growth to the south of the corridor and commercial growth to the north of the corridor. Tebon stated the City of Middleton has an interest in increasing density in downtown. Tebon stated the windows can be cleaned from the inside and the exterior will be maintenance free brick masonry. Mace asked what will stop the public from entering the right-of-way by way of the private crossing. Mace asked if Trans 29 has an appeal process. Stern stated she was unsure but Trans 29 would need to go through the legislative process to change its requirements.

Huttenburg stated that he visited the site the night prior and saw three people walking their dogs within the corridor and believes that a fence should run from Parmenter St. to the crossing. Stern stated that not mowing the grass or installing native tall grass would help deter people from walking their dog in the location. Anderson asked about the rules for the railroad having to blow a whistle in the city. Stern stated that Parmenter street is not a quiet zone. Anderson brought up the issue of noise with tall buildings on both side of the corridor. This was why WisDOT asked that residents be informed.

14. Discussion and Action on Staff Services Agreement – Honer, Admin.

Honer presented the staff services agreement from Southwestern Wisconsin Regional Planning Commission for 2021. Honer stated that the amount of the contract has not changed. The only change to the agreement is that "records management" was added to the definition of staff support services. Honer stated the agreement again includes that project management, grant writing, and grant administration are excluded from this staff services agreement.

- *Motion to Adjourn at 11:25 am – Nilson/Anderson. Passed Unanimously.*

15. Adjournment

- *Motion to Adjourn at 11:36 am – Scallon/Gustina. Passed Unanimously.*