

PECATONICA RAIL TRANSIT COMMISSION

20 S Court Street • PO Box 262 • Platteville, Wisconsin 53818

MEMBER COUNTIES: GREEN • IOWA • LAFAYETTE • ROCK

1:00 PM • Friday, July 22nd, 2016 • Green Co. Courthouse, 2nd Floor Courtroom, 1016 16th Ave • Monroe, WI

1. 1:00 PM **Call to Order** – *Harvey Kubly, Chair*
2. Roll Call. **Establishment of Quorum** – *Mary Penn, Administrator*

Commissioners present for all or part of the meeting:

	Commissioner	Position	Present		Commissioner	Position	Present
Green	Harvey W. Kubly	Chair	x	Iowa	Charles Anderson	Secretary	x
	Oscar Olson		x		William G. Ladewig		x
	Ron Wolter	Treasurer	x		Philip Mrozinski	Vice-Secretary	x
Lafayette	Leon Wolfe		x	Rock	Ben Coopman	Alternate	
	Larry Ludlum		absent		Wayne Gustina		excused
	Gerald Heimann	Alternate			Alan Sweeney	1st Vice Chair	x
	Ted Weigel		absent		Terry Thomas	2nd Vice Chair	excused

Commission achieved quorum.

Other present for all or some of the meeting:

- Mary Penn, SWWRPC
- Kim Tollers, WDOT
- Jeff Wunschel, Green County Hwy Dept.
- Greg Jewell and Ellery Schaffer, Jewel Assoc. Eng.

3. Action Item. **Certification of Meeting's Public Notice** – *Noticed by Penn*
 - Motion to approve certification of public meeting – *Ladewig/Mrozinski, Passed Unanimously*
4. Action Item. **Approval of Agenda** – *Prepared by Penn*
 - Motion to approve amended agenda – *Mrozinski/Sweeney, Passed Unanimously*

Mary Penn told Harvey Kubly that Ken Lucht would not be attending and she recommended amending the agenda to remove item 14.

5. Action Item. **Approval of draft May 2016 Minutes** – *Prepared by Penn*
 - Motion to approve draft May 2016 minutes – *Wolfe/Ladewig, Passed Unanimously*

6. Updates. **Public Comment** – *Time for public comment may be limited by the Chair*
There were no public comments.

7. Updates. **Correspondence & Communications** – *Discussion may be limited by the Chair*

Penn listed the correspondence and communications she had dealt with since the last meeting, including the county contribution letters she had sent. She reported that Lafayette County had returned the letter with a hand written note saying they did not care to contribute at this time. Leon Wolfe said Lafayette County did not feel they needed to contribute to the PRTC and that might be why he was the only Lafayette County Commissioner attending today. He said he did not necessarily feel that the County should not contribute. He said the next question might be whether Lafayette County should be in the Commission acknowledging that the County did have rail corridor. Harvey Kubly clarified that the PRTC owned the corridor in Lafayette County, not the State.

REPORTS & COMMISSION BUSINESS

8. PRTC Financial Report – Ron Wolter, SCWRTC Treasurer

- Treasurer's Report and Payment of Bills

Ron Wolter presented the Treasurer's Report and listed the checks needing approval. Charles Anderson asked about the check to the SWWRPC and if the billing was quarterly.

- *Motion to approve Treasurer's Report with amendment of showing the RPC payment as quarterly and approve payment of bills – Sweeney/Anderson, Passed Unanimously*

9. WSOR Operation's Report – WSOR

- Update on Maintenance Activities
- Update on Capital Projects
- Report of Business Development
- Other Continuing Issues/Topics

There was no WSOR report.

10. WisDOT Report – Staff may include Kim Tollers, Rich Kedzior

Kim Tollers reported that WisDOT was about to do a pilot project to develop a GIS application to manage assets on State owned rail corridor with the Southwestern Wisconsin Regional Planning Commission (SWWRPC). She said the pilot project had been approved and funding for it secured. At the October meeting she said she would give them a sample of what the project would look like. Tollers said all the Commissioners would have access it and it would be a great way to share information, especially since there were so many documents relating to the State's rail corridors. She said the Monroe sub would be as the pilot project and suggested that the project would be completed by December. Anderson asked how far back in time would they go. Tollers said all the way back to the beginning of rail in the State, with the goal of linking all information back to the original deed. She said there would be different layers for different things, such as infrastructure, TAPs, and track speeds. Tollers gave an example of looking at a specific place on the line in regard to a utility permit: you would click on the map and see what the permit was at that physical point in space. She said WisDOT and the SWWRPC would do the project themselves with the hope that WSOR would see how well it was and contribute in the future. Bill Ladewig asked if this would include the trail. Tollers said it would not include the Cheese Country Trail as WisDOT did not own it but in the future it could be added. She said they would try to keep it in the SWWRPC's hands and out of the State's information technology system. Ladewig asked if one of the trails could be paid for. Tollers said you could just contract with the SWWRPC to build that layer. She added that the Badger State Trail would be included as it was state owned but active railroads were the priority.

Kubly asked for an update on the Great Lakes Basin Transportation project. Tollers said there was not much right happening currently. The comment period had closed and the Surface Transportation Board (STB) would issue their Environmental Impact Statement (EIS) after they went through all the comments. She said it would take some time. Alan Sweeney added that WisDOT had submitted an excellent report to the STB. He suggested all the Commissioners read it. Tollers said she could send Penn a link to the STB's board case site to share with the Commissioners.

Bill Ladewig asked Penn if she could follow up on the railroad mapping/GIS project up with the Southwestern Wisconsin Regional Planning Commission (SWWRPC) and she said she would. Tollers said identifying adjoining parcels to the trail would be very helpful. Penn said Troy Maggied, SWWRPC Executive Director, could present a proposal to the PRTC if the Commission decided to pursue mapping the trail.

11. PRTC Administrator's Report – Mary Penn, Admin.

Penn administrative duties since the last meeting were county contribution letters, correspondence, and meeting preparation.

12. Tri-County Trail Commission Report – Presenters may include Leon Wolfe, Ted Weigel

Leon Wolfe said the TCTC met Wednesday night and said the Trail is in good shape with lime having been put down so the surface was in good shape. He said crews were out right now mowing and brushing. With the warm weather, this had to happen more often.

He said a question came up in June with a farmer doing his own work abutting and encroaching on the trail. He wanted to put in a crossing. Kubly asked where the crossing was. Wolfe said it was outside South Wayne on the west side. Wolfe said he had noticed the trees had been cleaned out. Tollers said the landowner would have to get a private crossing agreement from the PRTC. Kubly asked Wolfe to keep them posted on this issue. Penn said she could send the person an application.

Oscar Olson said he had heard that the winery in Browntown had requested an “off ramp” from the trail to their business. They had made their request to Cadiz Township. He asked if anyone had heard about that. Wolfe said he had not. Olson asked what the process was. Kubly said he was presuming they went to the Township first: if Cadiz granted that then they would also need permission from the PRTC for an off-ramp. Wolfe asked what the requirements would be for a private crossing agreement. Tollers explained what the requirements might be. She suggested that it be revocable if the Commission wanted to change the use in the future. She said Eileen Brownlee, PRTC Corp Counsel, could do that, clarifying that this was not an easement. They discussed the various issues involved in a crossing permit.

13. Update, Discussion, and Possible Action on 5 Corner Bridge – Jeff Wunschel, Green County Highway Dept., Ellery Schaffer, JEWELL Assoc. Engs. Inc., Greg Jewell, JEWELL Assoc. Engs., Inc.

Jeff Wunschel presented the issue to the Commission, introducing Greg Jewell and Ellery Schaffer of Jewell Associates. Greg Jewell said WisDOT had had Jewell prepare them a “length justification” report and they had been working with WisDOT on the project. After all the iterations with the proposed initial project, the report was approved and the funding had been set. He said the project had not changed and the schedule was still set with bids expected to go out May 2017 and built sometime next summer.

Ellery Schaffer said this was the same bridge design as presented to the Commission in October 2014. He distributed a number of drawings to the Commission. Schaffer said the bridge was being replaced with another bridge (a grade separated crossing). It would be a single span with 23’ clearance. To reduce the size and cost they were looking at putting in retaining walls on either end, bringing the road speed up to 40 mph (currently it was less than 25 mph) as it is a humpbacked bridge. He said Jewell was looking at raising the vertical profile of 5 Corner Road up 8’. Schaffer said a public meeting was held and the residents living along the road were on board. He noted the overall project was 1300’ in length in order to accommodate both road and bridge. Wunschel said the length had been at issue with WisDOT and they had had to explain why the road needed to be so long. In order to have a much better grade, the project length needed to be the 1300’. Ladewig asked the bridge’s life expectancy. Jewell said it would be a 75 year life expectancy capable of a standard highway load.

Tollers asked about the jurisdiction transfer to the local road authority and would the responsibility of the bridge be a stipulation. Jewell said it would be the responsibility of the Town of Clarno and Town of Jefferson both. The County received federal bridge replacement funds and the remaining 20% was locally split. Tollers said she assumed this bridge was in the same ownership limbo as other bridges as this type and asked who would claim it so the PRTC would not be asked about ownership in 50 years. She said that needed to be codified. Wunschel agreed it did and with the funding as it was, ownership would be with the towns. Tollers said it had to be recorded and somehow in the planning that needed to be accounted for. In the end, the bridge needed to belong to the local road authority. Jewell said all the state records said that the maintaining authority were the towns. Tollers pointed out that was maintaining authority, not necessarily ownership.

Sweeney said the Commission had been searching for a “vehicle” to stipulate ownership on these types of bridges. He asked if the PRTC approved the Emerald Road project before ownership was established. Tollers said she believed so and noted it would be easier to establish ownership up front. Wunschel said with the funding provided by WisDOT, the new bridge would be in the ownership of either the townships or the State. Jewell agreed. Tollers cautioned that agreements got put away and parts of those agreements with legal ownership got lost. If the ownership was recorded, ownership would be established for posterity. Sweeney asked if it could be outside a quit claim deed. Tollers asked who would do that as “we don’t own the land anymore”. She said maybe this was all ok but she wanted to let them know that this bridge was not in Rock County which had a similar situation with the Emerald Grove Bridge. Wunschel said he would communicate the outcome of his procedures with Penn and the RTCs. Tollers said the Commission was the entity that needed to be satisfied and updated.

Referring to his handout, Wunschel said he had used the May 2014 handout which had listed the construction costs. Total construction costs were \$900,000.00 with the federal share. He presented three scenarios. He said that WSOR had agreed to pay 1/3 of the local share which today was \$61,000.00. For July 2016, he said he could confirm these numbers as listed in the handout with a \$952,000.00 total. He said these were the best projections available, not actual dollars. He said the local share was \$120,000.00: a third paid by the County, a third by PRTC and another third split between the two towns. He pointed out the design costs, saying the townships and the County wanted the PRTC to consider paying 20% of that, a one-third share. The PRTC could pay \$11,300 (plus the construction costs) which resulted in a \$74,900 request of the PRTC. Wunschel said the township was also paying for the ROW costs.

Jewell said part of the justification report which set the total project costs, was capped at 80%. If it went over 80%, any extra costs must be paid by the locals. He said he believed they could bring it in slightly lower.

Sweeney said the assumption was that WSOR would pick up a third but on the second page of the handout, WSOR was not paying a 1/3 and asked if it was up to the PRTC to negotiate with WSOR to determine funding sharing. He then asked Tollers if she thought

this set a precedent for any type of wood bridge structure project. Tollers said counties and RTCs did “what they needed to do”. Wunschel clarified that the PRTC was not part of the state municipal agreement. Sweeney asked if they were asking for funding. Wunschel said they would need agreement from the PRTC that they, the Commission, had an agreement with WSOR stating one-third of the local share would be covered: that is what he and the County needed. Ladewig asked what the PRTC would get if they agreed to this. He assumed that there would be no issues with the bridge in the future. However, until the legal ownership was determined, the PRTC had to know they did not have any legal obligation to this bridge. Sweeney said Rock County did start their bridge project without that assurance.

Tollers suggested doing an MOU between the townships and counties, stating that this was precursor to the project, a letter stating that ownership would be assumed by the towns of Jefferson and Clarno. Ladewig said the Commission still needed to talk to WSOR. Wunschel said he would talk to Ken Lucht early next week. Wunschel said he had been told in a phone conversation last year that WSOR was in the agreement to pay one-third of the local share. Ladewig asked if WSOR committed to that and if there was a memo of ownership, would that work. Wunschel said that would work, noting there was still some time as the ROW still needed to go through. Jewell said the project must be handed over to WisDOT by Feb. 1st 2017. Wunschel said that gave them some time and with WisDOT’s approval on the structure type now given, they could move forward. He explained the State intended to use their bridge funds for bridges, not roads, which had caused some delay due to the length of the project area. Jewell related some alternatives that had been suggested involving a cul-du-sac. Jewell said that was not desirable for the people living on the road. Wunschel asked Penn what she would need. She said she would inform Brownlee once she had completed the minutes.

Kubly asked where the one-third split came from. Wunschel said the two townships are one-half of one-third: because this was on the town line, their cost was split. Kubly asked how the PRTC was in this for a third. Wunschel said usually it was town/county/railroad. Also, typically there was usually only one town. Sweeney asked if that stipulation had been passed by both towns. Wunschel said not yet but he expected the language would be going to the towns for their resolution action. With these final numbers, they would have to do it on the town level and the county level. Jewell said there probably would have to be a resolution that the Towns take ownership and suggested Brownlee weigh in on that.

- *Motion to postpone action until October 2016 meeting to give time for consultation with Corp Counsel including the splitting of funding between WSOR and PRTC – Sweeney/Ladewig, Passed Unanimously*

Charles Anderson said it had been determined that the railroad owned the bridge. Tollers said no one knew who owned the bridge and in order to move ahead, the townships, the railroad, and the County had all agreed to cooperate and take some financial risk in order to bring the situation to completion. She reminded the Commission of the Town of Sharon Bridge in Walworth County.

Kubly asked Penn to have Brownlee attend the October meeting.

14. *Action Item* **Adjournment**

- *Motion to adjourn at 1:58 PM – Sweeney/Olson, Passed Unanimously*

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PO Box 262 • 20 S Court Street • Platteville, Wisconsin 53818
MEMBER COUNTIES: GREEN • IOWA • LAFAYETTE • ROCK

PRTC/WRRTC FORMAL FUNDING AGREEMENT WORKING COMMITTEE July 22nd, 2016

Green Co. Courthouse 2nd Floor Courtroom, 1016 16th Ave • Monroe, WI

1. Call to Order – Harvey W. Kubly, Chair

The meeting was called to order by Chair Kubly at 2:56 PM

2. Establishment of Committee Members Present – Mary Penn, Administrator

<i>Commissioner</i>	<i>County</i>	<i>Present</i>
<i>Harvey W. Kubly</i>	<i>Green</i>	<i>x</i>
<i>Ron Wolter</i>	<i>Green</i>	<i>x</i>
<i>Philip Mrozinski</i>	<i>Iowa</i>	<i>x</i>
<i>Charles Anderson</i>	<i>Iowa</i>	<i>x</i>
<i>Alan Sweeney</i>	<i>Rock</i>	<i>x</i>
<i>Wayne Gustina</i>	<i>Rock</i>	<i>excused</i>

Also attending: Kim Tollers, WisDOT, Mary Penn, Admin.

3. Action Item. Certification of Meeting's Public Notice – Noticed by Penn

- *Motion to approve certification of notice – Sweeney/Anderson, Passed Unanimously*

4. Action Item. Approval of Agenda – Prepared by Penn

- *Motion to approve the agenda – Anderson/Wolter, Passed Unanimously*

5. Action Item. Approval of draft Minutes from May 2016 meeting – Prepared by Penn

- *Motion to approve draft May 2016 minutes – Sweeney/Anderson, Passed Unanimously*

COMMITTEE BUSINESS

6. Discussion of Lafayette County Contribution Issue

Harvey Kubly said he had looked at the reply Penn had received from Lafayette County in regard to the county contribution and he had no doubt the County Board Chair had signed it. Phil Mrozinski said it could not be proven that the County Board ever saw it. Kubly said the only way to verify the letter was addressed by the Board was if the Finance Committee met between June 1st and June 21st when Penn got it back.

Mrozinski said the Commission could charge rent to the County or request a meeting with the Finance Committee. Alan Sweeney said that he had done that and it had not accomplished anything. Mrozinski said he kept thinking about the big survey and that Leon Wolfe had been so pleased to share that Lafayette County received \$5M from the trail. Mrozinski was perplexed that the County would not pay a contribution. Mrozinski said Wolfe had said he was not sure that Lafayette County should be on the PRTC and that Wolfe is on the Commission and on the trail. Kubly said Lafayette was one of the counties that formed the Commission initially. He said to try to get something out of Lafayette County, one approach would be to say we needed at least a minimum contribution for the overhead of the Commission although he admitted that it might get a little sticky because they might argue that Rock and Iowa counties sent their money to the Wisconsin River Rail Transit Commission (WRRTC). He said the PRTC rents the rail corridor to WSOR but was not

sure to the Commission did not rent the trail to the Tri-County Trail Commission (TCTC). He said he thought it would be a similar thing. Penn said the management agreement might spell that out and would have to have Eileen Brownlee look at that. Kim Tollers said you might need to assess a fee to the TCTC and consequently it would return to Lafayette County in order to administer the trail. She said this might be a way to get some administration for the land the trail is on. She agreed that Brownlee should be consulted, saying that since the Board would not give them anything they would have to find another way to recoup the money to administer the Commission's property. Kubly pointed out Penn's and Brownlee's fees. Tollers agreed and gave the Village of Browntown as an example of costs related to management of the property, noting only the annual contribution from Green paid the Commission. Wolter said they should pay rent like the railroad did. Kubly said that was what he was thinking.

Charles Anderson said the TCTC got from \$6,000 to \$8,000 from the WDNR for reimbursement. Tollers said if snowmobiles were on it, dollars via snowmobile permit fees come back to them. There was discussion clarifying it was a multi-use trail. Tollers asked if ATVs paid a permit fee. Mrozinski explained what fees were required of trail users. Kubly said it seemed as though the TCTC segregated funds and expenses between snowmobiles and ATVs or at least they turned in certain expenses to someone else for reimbursement. Anderson said as far as \$5M went, they would be asked how much money the railroad brought to Monroe and Green County. Sweeney said the railroad did, absolutely. Anderson said you would have to be ready to answer that question as it could be used as a basis of assessment if the Commission got to that point.

Sweeney said he was not intending to push Lafayette County out, but obviously something had to be done and he requested the Chair have an agenda item at the Commission October meeting to discuss the trail fee per mile in Lafayette County. Sweeney said he thought the Commission could give Lafayette County the option of paying a portion of operational costs, adding that "zero was not going to work". He said if it was on the agenda it must be addressed, adding that he had taken all the information to the Lafayette County Board once before, including the extension study and was told it was not factual. Anderson asked if Lafayette County participated in paying for the trail fee. Penn said she could find and share it with the Committee. She also said she wanted to get a copy of the TCTC's fee schedule and budget. Anderson talked about his experience in paying users fees for snowmobiling.

Kubly asked Sweeney to clarify his agenda request and would the request be to Lafayette County. Sweeney said yes unless it could be approached differently. He said he liked Tollers' idea of a fee-per-mile to offset the unpaid annual contribution to the PRTC. Kubly said thinking down the road, if that was the way it would go, did the Committee think they would get a quarter of their administrative budget. Sweeney said a goal of a number would be fine.

Wolter said the Green County part of the trail was covered by the Green County contribution. Kubly said Green paid the full contribution. He said the County only had rail from Brodhead to Monroe but it was important. Sweeney agreed and said farmers would not have had a gain of 30 cents a bushel for years and saved themselves wear and tear on Hwy 11 through Lafayette County as otherwise grain would go to Dubuque. Sweeney said it was a logical way to approach the issue and the Committee could see where it went and maybe the Lafayette County Chair would show up to the meeting. Mrozinski clarified that the Committee could not make a recommendation today but could suggest an agenda item. As long as it was worded in such a way to open it up by the full Commission to follow through. Kubly said no "gentleness" had worked so far.

Sweeney said if Green County would like him to come to County Board to speak to them he could do so. Penn said she would send Kubly a copy of Green County invitation letter;

7. Action Item - Adjournment

- *Motion to adjourn at 2:38 PM – Anderson/Sweeney, Passed Unanimously*