

PECATONICA RAIL TRANSIT COMMISSION

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

MEMBER COUNTIES: GREEN • IOWA • LAFAYETTE • ROCK

1:00 PM • Friday, October 23, 2015 • Green Co. Courthouse, 2nd Floor Courtroom, 1016 16th Ave • Monroe, WI

1. 1:01 PM **Call to Order** – *Harvey Kubly, Chair*
2. Roll Call. **Establishment of Quorum** – *Mary Penn, PRTC 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	1:14PM
	Oscar Olson		x		William G. Ladewig		x
	Ron Wolter	Treasurer	x		Philip Mrozinski		x
Lafayette	Leon Wolfe		absent	Rock	Ben Coopman	Alternate	
	Larry Ludlum		absent		Wayne Gustina		excused
	Gerald Heimann	Alternate			Alan Sweeney	1st Vice Chair	x
	Ted Wiegel		x		Terry Thomas	2nd Vice Chair	x

Commission achieved quorum.

Other present for all or some of the meeting:

- Mary Penn, SWWRPC
- Ken Lucht, WSOR
- Kim Tollers, WDOT
- Eileen Brownlee, Corp. Counsel

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 agenda – *Sweeney/Mrozinski, Passed Unanimously*
5. Action Item. **Approval of draft Minutes from July 2015 meeting** – *Prepared by Penn*
 - Motion to approve minutes of July 2015 meeting – *Wiegel/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*
Mary Penn listed the Commission correspondence she had dealt with since the last meeting.

8. PRTC Financial Report – Ron Wolter, SCWRTC Treasurer

- Motion to approve Treasurer's Report – Olson/Mrozinski, Passed Unanimously
- Motion to approve bills – Ladewig/Sweeney, Passed Unanimously

Ron Wolter gave the Treasurer's Report to the Commission which he distributed and listed invoices received and checks received which included the WSOR Lease and the Green County contribution. Penn confirmed the SWWRPC had sent the Q1 and Q2 2015 invoices.

9. WSOR Operation's Report – Ken Lucht, WSOR

Ken Lucht reported that routine track inspections were ongoing. He said capital projects in 2015 and into 2016 would be very aggressive. He reported on the progress of some projects outside the PRTC area, including continuous welded rail (CWR) on the Fox Lake Sub. He said crossings and bridges would be covered under item 13. He noted a \$19-M project in Sheboygan/Kohler to establish rail there for Bemis Manufacturing. Lucht said construction was slated to be completed this year.

He said there were some grants pending at WisDOT: a CWR project between Waukesha and Milton (CWR) and three for the Prairie Sub (including the TIGER grant). One of the Prairie Sub projects was for 36,000 ties between Prairie du Chien and Avoca. He said this track was surrounded by wet areas which led to maintenance issues. Lucht said the third application was for a Phase 1 CWR project to Wauzeka. He said this was the beginning of CWR for the whole Prairie Sub, adding that this sub was getting heavy use leading to more maintenance issues.

Lucht said business was good and grain was moving. Sand was down due to depressed oil prices and some sand customers were laying off some people. He said WSOR was anticipating the 1st and 2nd quarters of 2016 to rebound on sand and said WSOR would finish the year 2-3% more in carloads.

Harvey Kubly asked about if there were 800 ties per mile and if that were every third tie. Lucht said it was a replacement of between a quarter and a third of all ties, adding that it had been 25 years since they had been replaced.

Bill Ladewig asked if there had been delays at WisDOT. Lucht said the rail section had been great but there had been some lag time associated with filling positions. He praised WisDOT in their efforts in working with WSOR. He said the big challenge was matching grant awards with the construction season.

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

Kim Tollers spoke about Rich Kedzior as the new FRPP and FRIIP coordinator for the Rails and Harbors Section hire, saying he had been unable to come to the meeting. She said there was some backlog on project agreements but WisDOT did not expect to see a continued backlog after Kedzior got caught up.

Tollers also spoke about the November 17th WDOT Freight Rail Conference and invited Commissioners to come. She said Commissioners could register with her at today's meeting.

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

Mary Penn reported on her administrative duties in the past quarter, updating the Commission on the state of affairs with the Village of Browntown. She reminded the Commission that it had taken action to place No Trespassing signs in the event the Village did not pursue a Temporary Access Permit (TAP). She said the Village had refused to enter into a TAP with the PRTC and was instead demanding a map or survey of the parcel in question. Eileen Brownlee asked if the Village asked this of all its adjoining property owners. She said it was a continuing attempt to get the PRTC to undertake the Village's costs or actions and she did not see the Commission doing that.

Oscar Olson said the Village residents were offended that the Village had paid the lease for the bar owner in the past. Ladewig said the PRTC ought to put up a (No Trespassing) sign as soon as possible because once the snow started, people would start dumping snow there. Kubly said he presumed the Green County Highway Department could place the signs and could submit a bill to Penn. Penn was instructed to contact Jeff Wunschel to pursue this.

12. Tri-County Trail Commission Report – Leon Wolfe

As Leon Wolfe was absent, Ted Wiegel gave the report. He said the trail had been graded a couple of weeks ago to prepare for the snow season. He said they will cut the weeds on the sides and the TCTC had not gotten maintenance dollars to do so from the WDNR yet.

13. Discussion and Possible Action on WSOR 2015 Capital Program – Ken Lucht, WSOR

- *Motion to approve 2015 Programs as presented - Anderson/Wolters, Passed Unanimously*

Ken Lucht distributed a handout to the Commission. He spoke of the PRTC commitments to past projects and reported that the 2012 bridge replacements (to upgrade them to support 286,000 lbs. capacity) between Janesville and Monroe projects were all completed. He talked about the last year replacement of bridge F108 west of Brodhead on Bagley Rd, saying that bridge project was also completed.

In the 5 Year Capital Plan, Lucht said WSOR was going to concentrate on bridges and crossings in the PRTC area. For 2015 projects, the emphasis was at-grade crossings. Lucht mentioned the CTH K and the 3rd and 4th Street replacement projects in Brodhead as examples.

Lucht noted carloads and how traffic had gone in years past. He discussed the listings of customers and said not much had changed other than volume with about a 5-6% increase in volume (mostly grain either to Chicago and/or the local ethanol plant). He said the rail was a great benefit to all the member counties, pointing out the rail volume as compared to truck traffic and related road maintenance. Lucht said local moves continued to increase through grain and sand movement. He said these are produced and consumed locally.

He showed the listing of all the at-grade public crossings and reiterated that WSOR was concentrating on the 3rd and 4th Avenue crossings in Brodhead and the CTH K crossing. He described the cost and outcome of these projects, saying WSOR was asking the PRTC to dedicate their \$26,000.00 county contribution to these projects.

Alan Sweeney asked if there were any billing left or amounts due on the bridge project. Lucht said they had all been billed out.

Lucht noted there were no 2016 crossings list out as yet but he would have it by the next meeting. He said every year there would be public crossing replacements. Tollers asked for lifespan of a concrete crossing. Lucht said 30 to 40 years.

Ladewig asked if all these crossings were maintained on a digital map. Tollers said they were working on that. Lucht said WSOR and the Federal Railroad Administration (FRA) website had crossing data. He directed them to the FRA website to get crossing numbers. Ron Wolters asked for a timber crossing lifespan. Lucht said roughly 20 years, adding that these were generally for town and county trunk roads.

Terry Thomas asked about an upcoming closing and Lucht said the contractors would work under traffic conditions while trains continued to run.

14. Consideration and Possible Approval of 2014 draft PRTC Audit with Johnson Block – Mary Penn, Admin

- *Motion to approve the 2014 audit – Mrozinski/Olson, Passed Unanimously*

Penn presented the draft 2014 audit for the Commission's consideration. She noted the two conditions listed by auditors, their recommendations to address the conditions, and the response of management. She said they were the same conditions as past years and were due solely to the small size of the Commission.

15. Allowable Recreation Activities on ROW – Leon Wolfe

As Wolfe was absent, Wiegel spoke and said the issue at hand had been a question about using the trail as access for trapping. Wiegel said the TCTC had met and voted on the issue and it was ok with them. Penn noted that recreation was allowed on the trail under terms of the Interim Trail Agreement.

16. Action Item - Adjournment

- *Motion to adjourn at 1:46 PM – Sweeney/Wiegel, 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

October 23, 2015

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 1:53 PM

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

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

Also attending: Kim Tollers, WDOT, Mary Penn, PRTC Administrator; Eileen Brownlee, Corp Counsel; Ken Lucht, WSOR

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

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

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

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

5. Action Item. Approval of draft Minutes from July 2015 meeting – Prepared by Penn

- Motion to approve July 2015 minutes – Sweeney/Mrozinski, Passed Unanimously

COMMITTEE BUSINESS

6. Continued discussion of possibility of Green County joining WRRTC

While Mary Penn distributed copies of a draft resolution and draft joinder contract, Harvey Kubly said at the last meeting Eileen Brownlee had indicated she had a template to use for a joinder document. Brownlee said Jefferson County had joined the WRRTC in 2014 and she used that template. She noted there were some language changes but otherwise it was useable here.

Brownlee said the concern was the contribution amount and the language that pertains to that. She noted that Rock and Iowa counties made contributions to more than one although there was nothing in writing that said that was the way it worked. She noted the language of the charters and the contributions each county made, saying she assumed this was a practice that had evolved over time and if a county belonged to more than one commission, they paid to whom they wished. If that was the way it was going to be, it would be appropriate to amend the charters or create agreements whereby that became the status quo. Since it was 35 years after the commissions were created, there was nothing that supported the practice. She said how it is done today might be documented in past meeting minutes but said minutes cannot amend a charter.

Kubly said they had talked about that at length in the beginning when this committee began meeting. He said Frank Huntington had said that there was the 66 Agreement that was supposed to have addressed the contribution. Penn said Huntington had confirmed the

66 Agreement had been executed and had received a copy from him. Alan Sweeney asked Brownlee to research the 66 Agreement and give her opinion as to its validity as it related to funding and if useable, could it be of use to Green County joining the WRRTC. Kubly said that sounded like a great idea. Sweeney said the 66 Agreement might need to be amended or a new agreement between commissions made. Brownlee asked who were the parties: counties or commissions. She said the 66 Agreement was for sharing costs, meetings, and ideas and she thought the commissions had authority to enter into such an agreement but because funding was from counties you would need to return to the specific charters.

Charles Anderson said he had worked on the 66 Agreement at least 15 or 16 years ago. Brownlee said it could have been even longer ago. Kubly said it would have been near the beginning of the PRTC's creation as he had come on board in 1998. Brownlee said it was a matter of reviewing the 66 Agreement.

Anderson asked when the Pink Lady came into the WRRTC and whether they made any contribution. Sweeney said the Pink Lady did not join the WRRTC. Ken Lucht said the Reedsburg sub was just purchased and the line was controlled by the WRRTC. He said the Pink Lady was a very different RTC in its membership and organization. Anderson asked what "they could do with their funds". Kubly said the PRTC was going to be the same as it was: the issue was about Green County joining the WRRTC. Sweeney said it was up to the PRTC to contribute funds within the PRTC area or outside their area. Anderson asked what contributions were in addition to the \$26,000.00. Sweeney said that was up to the Commission. He said at the last meeting Green County prepared to contribute to the PRTC. Kubly said that was probably because no one told the County Clerk any differently. Sweeney said that was a maybe and said he saw this as terms of an agreement of what they were already doing. With that understanding, if there were a project, on an outside PRTC area (like the Fox Lake Sub), an agreement would sanction that. He said there may be others but that was his long range idea.

Kubly asked Brownlee if she would research the issue and she said she would do so.

Kubly asked Brownlee in this process, was it a chicken or the egg. Would Green County would have to approve first and then go to WRRTC for their agreement. Brownlee said that was generally how it had gone. She did not know why the Commission would act unless the County had already committed to joining. She thought the County acted first and then the WRRTC acted on it. Legally she did not think that would matter. She reiterated the possible process and said either the Commission accepted Green County or Green County agreed to join: it could be something as simple as who met when and was a matter of indifference and could only be a slight issue of wording.

Sweeney asked if a shared administrative expense on Green County's part would be accepted; would Green County accept that. Basically, pay for 1/10 of the administration fees on an annual basis. He clarified that he was not thinking of subsuming the PRTC into the WRRTC. He was thinking of an administrative cost. With a new 10th county, 1/10 of that expense out of the \$28,000.00 the PRTC received, those dollars could be contributed to pay for administrative fees. Anderson said he supported that. Ron Wolter said at this time he did not support that as Lafayette County did not pay in. Kubly noted that Iowa and Rock did not contribute to the PRTC either. Wolter asked to be reminded of the benefits of pursuing this as he could not see them. He said contributing to an outside project could be done by action of the PRTC as he did not think the Green County our Board would approve it. Kubly said he had long felt the County Board would not approve it if their contribution was going anywhere other than the PRTC and that was why he wanted some form of agreement and not get "hit" by the WRRTC.

Anderson wondered if an expenditure came up and if the 10% would be way short of the share of repairs on the PRTC line. He said the State put up 80%, the Commission 10%, and WSOR 10% and if it were more than the Commission could pay did they pay out of their (PRTC) reserves. Kubly said in the past there had been reserves and for a number of years, the PRTC gave their money to the WRRTC. Kubly asked Lucht if he remembered that. Lucht said certainly there was a time when the commissions would pool and share their projects outside their territory and the argument for that was the whole system would be upgraded and preserved. He could not remember other commissions contributing to the PRTC. He added to Wolter, the value if Green County joined WRRTC, Green County would get a right to vote on bigger projects that benefited their County, mentioning the Fox Lake Sub as an example, as that sub benefited both the PRTC and the WRRTC systems. He said he thought Green County could benefit as they would have voting rights.

Kubly said at the moment Green County was the only one that did not belong to the WRRTC. Lucht confirmed and said right now, the PRTC was only concerned with the Monroe sub but over the past 20 years it had grown into a regional transportation network and therefore it would be a reasonable request of Green County to join the WRRTC for that reason: they benefited from a regional system.

Kubly wondered if Brownlee could have something ready for the next meeting. She said she could have it ready for January. In the meantime, Kubly said he would speak to the County Chair and the County's Corporation Counsel.

Wolter asked if Lafayette County had been billed. Penn said all member PRTC counties had been billed. Lucht asked what had been billed. Penn said \$26,500.00. Kubly said he had spoken to Jack Sauer who had been invited but there had been no response. He said he had no idea what the answer was other than the satisfaction that we tried to do something.

There was discussion at this point about how the TCTC funded. Kubly said Lafayette County did not see that they benefited from the system. Brownlee said at this point it was a regional system. Wolter said they partnered with Green County on health issues. Brownlee said they worked with Grant County too in other areas and are used to collaborative efforts.

7. Action Item - Adjournment

- *Motion to adjourn at 2:27 PM– Wolter/Anderson, Passed Unanimously*

DRAFT

