

WISCONSIN RIVER RAIL TRANSIT COMMISSION
COMMISSION MEETING - FRIDAY, JANUARY 8TH, 2016 @ 10AM
DANE COUNTY HWY GARAGE, 2302 FISH HATCHERY RD, MADISON, WI

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

Crawford	Tom Cornford, <i>2nd Vice Chair</i>	x	Rock	Ben Coopman, Alternate	
	Rocky Rocksford	absent		Wayne Gustina	x
				Alan Sweeney, <i>Chair</i>	x
Dane	Gene Gray, <i>Treasurer</i>	x	Sauk	Terry Thomas	excused
	Jim Haefs-Fleming	excused		Marty Krueger, Alternate	excused
	Chris James, <i>Vice Secretary</i>	x		John Deitrich	absent
Grant	Gary Ranum	x	Walworth	Scott Alexander	x
	Vern Lewison	x		Dave Riek, <i>3rd Vice Treasurer</i>	x
	Robert Scallon, <i>1st Vice Chair</i>	x		Eric Nitschke	x
Iowa	Charles Anderson, <i>Secretary</i>	excused	Waukesha	Richard Kuhnke, <i>2nd Vice Treasurer</i>	absent
	William G Ladewig	x		Allan Polyock	excused
	Jack Demby	x		Karl Nilson, <i>4th Vice Chair</i>	x
Jefferson	John David	x		Dick Mace	x
	Laura Payne	x		Richard Morris	x
	Augie Tietz, <i>3rd Vice Chair</i>	x			

Commission met quorum.

Others present for all or some of the meeting:

- Mary Penn, WRRTC Administrator
- Roger Schaalma, WSOR
- Jim Matzinger, WRRTC Acct.
- Kim Tollers, Rich Kedzior, WisDOT
- Forrest Van Schwartz

3. Action Item. **Certification of Meeting's Public Notice** – *Noticed by Penn*
 - Motion to approve posting of meeting – Nilson/Gustina, Passed Unanimously
4. Action Item. **Approval of Agenda** – *Prepared by Penn*
 - Motion to approve agenda – Cornford/Scallon, Passed Unanimously
5. Action Item. **Approval of draft December Meeting Minutes** – *Prepared by Penn*
 - Motion to approve draft December meeting minutes with corrections – Nilson/Mace, Passed Unanimously

6. Updates. **Public Comment** – *Time for public comment may be limited by the Chair*
Dick Mace introduced Dick Morris of Waukesha County as the Commission's newest member, replacing Carl Pettis. Mace said he would be a great asset to the group. Alan Sweeney introduced Eric Nitschke who replaced Kevin Brunner (Walworth County). Nitschke gave a brief background on himself and how he came to be appointed and the Commission welcomed him.

7. Updates. **Announcements by Commissioners** – *No Discussion Permitted*
Karl Nilson announced that the annual Mad City Model Rail Show was coming up on February 20th and 21st from 9 to 5 each day.

8. Updates. **Correspondence & Communications** – *Discussion may be limited by the Chair*
Sweeney said he had received a letter from Mary Brzica, property owner in McHenry County, Illinois, in regard to the issue of drainage along the Fox Lake sub in Illinois. He said Mary Penn would send a letter to Ms. Brzica with a copy of the December WRRTC minutes.

Nilson spoke about the articles as distributed and introduced Forrest Van Schwartz to the new Commissioners. Forrest Van Schwartz mentioned one article in particular distributed that day on the big drop in freight transportation, saying rail traffic was a good barometer for the economy and this indicated the overall economic situation did not look good. He said he would keep the commission abreast of this;

Penn listed the correspondence she had received since the past meeting.

In response to Van Schwartz's comments on the freight rail slow down, Robert Scallon asked about WSOR's rail service and if it was slowing. Sweeney said Schaalma could address that in his report.

Gene Gray announced that Van Schwartz was being recognized for his service at the national level. Van Schwartz spoke about the Transportation Research Board and what they do. The Commission offered their congratulations.

REPORTS & COMMISSION BUSINESS

9. **WRRTC Financial Report** – *Jim Matzinger, Dane County CPA / WRRTC Accountant*

Jim Matzinger presented the Treasurers Report to the Commission, noting that sign leases were down but permit revenue was up. He said he was still waiting for the fourth quarter billing for management expenses as well as his own need to submit a fourth quarter billing for accounting services and the 2014 audit expense to close. He said the Commission was pretty much on budget. He noted there were two checks going out today (one for the audit, the other for accounting work in November, 2015). Sweeney asked if there would be anything more for the audit fee. Matzinger said there would be and noted it was a progress payment.

Dick Mace asked if anyone knew about Green County joining the WRRTC. Sweeney said that it was still in discussion.

- *Motion to approve the Treasurers Report and pay bills – Ladewig/Gray, Passed Unanimously*

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

Roger Schaalma reported that it had been very warm in December so WSOR had been able to complete all their 2015 capital plans. He listed the projects completed, including the tie project on the Prairie sub and the tie project on the Watertown sub. He said next year they would continue work on the Prairie sub tie project between Boscobel and Crawford and also get going on its Continuous Welded Rail (CWR). He said a full rehab from Madison to Marshall was also ongoing and in 2017 WSOR would complete CWR from Marshall to Watertown.

Schaalma said there had been a lot of bridge work in 2015. In 2016, WSOR would begin 16 new bridge projects on the Prairie sub alone. He also said there were two bridge projects on the Reedsburg sub and three completed on Waukesha sub.

He said there had been a lot of maintenance work due to all the freezing and thawing so far. He noted the downturn of freight rail was due to oil and coal and WSOR did not move those. He said WSOR was experiencing a slow down on frac sand but they were still moving it. He said the big highlight for this year (2015) was grain which had more than made up for the downturn of sand. He noted that there was a new shuttle train moving up to Prairie from Avalon, adding that most of WSOR's big commodities had not been affected by a freight slow down and said there was a new trans load facility in OshKosh. He added that WSOR was pretty diversified, adding that WSOR should be ok from what they saw right now and they would be "plenty busy".

Augie Tietz asked when the Watertown project would be finished. Schaalma said it would be done in 2017. It would be a Class 2 rail by the end of 2016, finished completely to Watertown by 2017.

Gary Ranum asked about the shuttle train to Prairie and how it hooked up to deliver to Texas. He asked what track WSOR moved south on. Schaalma said it would be on the Burlington Northern line and explained how the shuttle train process worked. Ranum asked about the bridges on the Prairie sub and what was the plan for that and how they would be finished. Schaalma said the smaller bridges projects would more than likely go out to bid in the next couple months. Hopefully those would be complete by the end of the summer, although the Spring Green Bridge would probably not be completed until 2017.

Chris James asked Schaalma about a lot of cars stored on the Mazomanie spur and what they were for. Schaalma said they were all sand cars, stored due to the frac sand slow down. He said they were northern division cars and he anticipated them getting back into service in the short term.

11. **WDOT Report**–*Kim Tollers, Rich Kedzior, WDOT*

Kim Tollers had nothing to update the Commission on and invited Rich Kedzior to give his report. Kedzior said Monday, January 4th the Governor's Office had released the FY 2016 Freight Rail Preservation Program (FRPP) awards which were included on the articles handed out for item 8. He explained how the press release related to the Commission, saying there were four awards impacting their rail. He said there would be multiphase projects to put in CWR on the Prairie sub as well as the Spring Green Bridge. He said the Waukesha/Milton Junction project had received funding.

James asked for the updates on the Great Sauk Trail. Tollers was not aware of anything yet. James asked about the extent of the trail. Bill Ladewig asked for confirmation that the FRPP were funded by bonds. Van Schwartz and Kedzior clarified how the bonds were paid for. Nilson asked if FRPP was a federal program. Kedzior confirmed FRPP was a state program. Nilson and Van Schwartz discussed its funding.

Tollers clarified that TIGER Grants, a program begun in 2008, was put in place as a stimulus fund. Van Schwartz said the TIGER Grant may not be around in the future but no one at the federal level would say when or if that would happen.

12. **WRRTC Correspondence/Communications and Administrator's Report** – *Mary Penn, WRRTC Admin.*

Penn reported on her administrative duties since the last meeting.

13. **Discussion and Possible Action on Attachment 9 to Agreement NO. 0490-40-48(d) (Operating Agreement) in regard to WSOR annual rent to WRRTC** – *Ken Lucht, WSOR*

Penn explained that Ken Lucht had asked her to bring Attachment 9 to the Commission and noted that this was a yearly action to approve the rent, noting there had been a discussion in relation to the item at the October 2015 meeting. Sweeney told the Commission it would be a roll call vote.

At Sweeney's request, Penn called a roll call vote. The vote was unanimous in favor of the approval of the attachment.

Nilson said if the rent was too low it would add a burden to next year's budget and if it were too high, the excess rent would go to projects. Van Schwartz said historically the car charge put too many burdens on governmental bodies. He explained how car charges worked. Ranum said several months ago the original agreement had been reviewed and the Commission discussed the rental agreement in October. Van Schwartz said the per car basis makes the Commission's revenue stream very unpredictable. He said that was why it was not used anymore but noted that the language pertaining to it is still in the original agreement.

Bill Ladewig said the budget was set up based on what was necessary, therefore it made sense to cover costs by way of the rent. Sweeney said if there was a need to increase the rent, it should be introduced at budget time.

- *Motion to approve Attachment 9 to Agreement NO. 0490-40-48(d) (Operating Agreement) in regard to WSOR annual rent to WRTC – Cornford/Mace, Passed Unanimously*

14. Discussion and Possible Action on McHenry County, IL Tax Billing Process – Mary Penn, WRTC Admin.

Penn gave background on the issue, saying that after a discussion with Jim Matzinger, she realized that some of the WRTC's tax bills were sent directly to WSOR. She said some of them came to her and she then forwarded them to Matzinger. She and Matzinger had agreed that it was awkward for some of the bills to come to her and others to WSOR. She said she did not have the parcel information for those going to WSOR so therefore had no idea what WSOR was paying. Van Schwartz suggested that all the tax bills should be going to WRTC and then onward to WSOR. Sweeney said he recommended Penn work with Ken Lucht on this. Roger Schaalma said the WRTC owned about 1000' in Lake County. Ladewig said he thought the tax bills should not be going to WSOR in order to avoid adverse possession. Sweeney said this would need to come back to the Commission via Penn and Lucht for the next meeting. There was no motion on the item.

15. Discussion and Possible Action on Ideas and Recommendations Submitted in Regard to Executive Committee and Full Commission – Mary Penn, WRTC Admin.

Penn distributed a handout which had the comments submitted to her by Commissioners, including an addendum comment from Commissioner Dick Mace. Sweeney asked Mace to discuss his ideas on the topic as outlined in Mace's email. Mace said he did not see any real function for the executive committee. If the Commission wanted an executive committee the Commission could address that via the Charter. He also said section 5.06 of the Charter could be removed and he said he felt that the Chair, if he saw a need for a special committee, could form one. Mace said a special committee and executive committee could be combined. If the language needed to be changed that should be done. On bills, Mace said he did not see a need for the Commission to approve individual bills as they currently did. As long as the costs were in the budget, Penn, Matzinger, and Gray could pay those without delay. Generally, Mace said he did not believe there were any issues with this idea but if it got to the point where a meeting needed to be called, the Chair could call one. On weather issues, the Chair could call or cancel a meeting if necessary and if there were no pressing agenda item, the Chair could forward them to the next meeting.

Sweeney commented on the budget issue raised by Mace, saying it was in fact necessary for the executive committee or Commission to vote on them, possibly via encumbrances as was done in Rock County. Nilson commented that every County was different, adding that the Commission was not a legislative body, repeating that every county did everything differently. By paying bills by way of Commission action there was a record. Mace said that could be revised and Penn could report on that. Nilson asked why fix it if no one was complaining. He said in the past when he was Chair there were times you could not get a full quorum but now everyone was very interested and the railroad was "on a roll". If there were a small agenda, the Chair could move it to the next meeting. Sweeney said if a meeting happened on day with freezing rain he would call to cancel the meeting. Nilson said there were only about 5 or 6 responses which indicated to him that everyone was pretty happy.

Sweeney read out loud the other suggestions submitted to Penn. Van Schwartz suggested doing any necessary voting through a program such as Survey Monkey. Penn said that would violate open meeting law. Sweeney said anything to do with the Charter would have to go back to the counties. Gray said it was important to maintain transparency particularly in relation to finances. Also, there still needed to be 2 signatures on a check. Ranum agreed with Nilson, noting that over that past few years he had been on the Commission there had been very high attendance and saw no problem with that and said the meetings should continue as they are.

- *Motion to continue to operate as a full commission with monthly meeting – Nilson/Cornford, Passed Unanimously*

16. Discussion and Possible Action on WRTC Fee Schedule – Mary Penn, WRTC Admin.

Penn explained she had deleted the utility fee in Wisconsin on the fee schedule as approved at the December meeting. However, since the WRTC owned property in Wisconsin, there needed to be a utility fee and she had put the fee back in, along with the locations (milepost to milepost) where the utility fee applied.

- *Motion to amend the 2016 fee schedule to reflect utility fees on WRTC Wisconsin owned property changes as presented - Nilson/Alexander, Passed Unanimously*

17. Action Item. Adjournment

Motion to adjourn at 11:00 AM – Gustina/Scallon, Passed Unanimously