

## SCWRTC MINUTES

### SOUTH CENTRAL WISCONSIN RAIL TRANSIT COMMISSION

10 a.m. on Wednesday, October 26<sup>th</sup>, 2005

DNR South Central Region - Raptor Conference Room - 3911 Fish Hatchery Rd, Fitchburg

1) **The Vice Chair, Paul Ziehli, called the meeting to order at 10:23 a.m.**

**Roll Call – Commissioners present for all or part of the meeting:**

Dane County		Green County	
Chris Klar		Robert Hoesly, Chair	present
Judy Olson, Secretary	present	Harvey Kubly, Treasurer	present
Paul Ziehli, Vice Chair	present	Oscar Olson	present

**Others present for all or part of the meeting:** Joni Graves (SWWRPC Transportation Planner / SCWRTC staff); Frank Huntington, Roger Larson, Vicki Schaefer, and Jim Tracy, (WisDOT); Dana White Quam (DNR); Ken Lucht (WSOR).

- 2) **Proof of Public Notice – Graves attested that the meeting had been properly noticed and, in the temporary absence of a quorum, this was accepted by consensus.**
- 3) **Approval of the Agenda – accepted by consensus.**
- 4) **Approval of the Minutes from the Commission’s July 2005 meeting, prepared by Joni Graves; O. Olson recommended approval and Kubly concurred – the Minutes were approved by consensus.**

#### Reports & Commission Business

5) **Financials / Treasurer's Report - Harvey Kubly**

- a. Kubly presented the **Treasurer’s Report** and an update on the funds held by the Commission.  
**Action - In the absence of any dissent, O. Olson recommended acceptance and Kubly concurred; the report was accepted by consensus.**
- b. Kubly reported that one bill had been received, in the amount of \$30, for the Commission’s bond.  
**Action - In the absence of any dissent, Kubly and O. Olson recommended payment and payment of the bill was approved by consensus.**
- c. **2004 Audit** – Jan Froelich, Johnson Block, had informed Graves that she would have the 2004 audit done in a few weeks; Kubly recommended that this timeline be accepted and directed Graves to mail copies of the 2004 Audit to the Commissioners so they could review it prior to the January 2006 meeting.  
**Action - In the absence of any dissent, Commissioners agreed that approval of the 2004 Audit would be an action item on the next Agenda.**

**FOLLOW-UP:** Graves will mail the 2004 Audit to Commissioners; approval will be an action item on the next Agenda.

- d. **2005 Audit** – Kubly recommended that Johnson Block be engaged again, with a cost not to exceed \$1000.  
**Action - In the absence of any dissent, the Commissioners agreed to engage Johnson Block for the 2005 Audit, with a cost not to exceed \$1000, and authorized staff to notify Johnson Block.**

**FOLLOW-UP:** Graves will notify Johnson Block of the authorization to engage the firm for the 2005 Audit.

- e. **Green County’s request for reimbursement of funds held by the Commission** – *This item was moved to later on the Agenda, so that a quorum would be present for the discussion and possible action.*
- 6) **Staff Report** – Joni Herren Graves, SWWRPC Transportation Planner / SCWRTC staff
- a. Following an update on the **Jane Addams Trail** and efforts to resolve the Illinois tax issues, Kubly asked if it would be possible to be reimbursed for the money that has been paid (Kubly said the Commission had paid two installments of \$443.55 in 2002); Ziehli and Huntington suggested not pursuing this and Kubly agreed.
  - b. Although **iDOT** is doing the design work, there are no imminent plans to proceed with the proposed bridge structure on USH 20 that would impact the Jane Addams Trail during construction.

- c. **2006 Calendar** – In the absence of any dissent, Commissioners agreed to adopt the following calendar of 1p.m. meetings with the understanding that, if there were no business, a cancellation notice would be sent to Commissioners and Clerks: Wednesday, January 25<sup>th</sup>; Wednesday, April 26<sup>th</sup>; Wednesday, July 26<sup>th</sup>; and Wednesday, October 25<sup>th</sup>; it was agreed to hold the next meeting in Belleville.
- d. Graves requested informal input regarding the Commission’s interest in the SWWRPC submitting a **2006 Staff Services Proposal** and, given the supportive response, agreed to provide a proposal for consideration at the Commission’s January 2006 meeting.

**7) WisDOT Update**

- a. Frank Huntington, and other WisDOT staff, provided an update on the state budget, plans for how those funds will be used, WisDOT’s planned bridge study and pavement wear study, and they responded to questions. *Update and possible action, related to the 8<sup>th</sup> St Bridge in Monroe, was moved to later on the Agenda, so that a quorum would be present for the discussion and possible action.*

**8) DNR Update**

Dana White Quam provided an update on the timeline for the work on the trail and said work on the tunnel may start yet this fall. The DNR and Dane County are applying for a Transportation Enhancements grant for funds to create a paved segment south from Madison to Sun Valley Parkway (the grant application will be submitted in the spring of 2006).

*Note: Commissioner Hoesly arrived at 10:56 a.m., providing the Commission with a quorum; Ziehli chaired the remainder of the meeting.*

White Quam indicated they would like to talk with the Village of Belleville about plans for that segment of the trail as well. She talked about the draft, the upcoming public meetings, and asked for comments on the draft plan; Graves provided White Quam with her mark-up and written comments.

*Note: At this point, the Commission turned back to Agenda item 6.e. – Green County’s requested return of funds held by the Commission.*

**6) e. Green County’s request for reimbursement of funds held by the Commission**

Kubly reported that the Green County Finance Committee had requested return of funds held by the Commission, including the interest, which will be verified with the pending Audit. He noted that the Commission would still have approximately \$200,000 in its treasury. Ziehli asked about future funding for the Commission and whether it would have to go to its member counties, if and when that money ran out. Hoesly and Huntington reflected on the wisdom of using the interest from the jointly-held funds to sustain the Commission. Kubly said a year’s worth of interest would represent \$4000 to \$6000. Hoesly said he thought they really had no choice but to return the requested funds, since they had returned money to Dane earlier. Graves asked for clarification about whether the funds would be designated for rail projects, noting that SCWRTC’s earlier Audited Financials had the amount at \$204,256.00 and it referenced the funds as being held for Green County, with the note: “The fund balance of the Special Revenue Fund is restricted to pay for rail projects approved by Green County.” Some Commissioners said any decision to designate use of the funds would be up to Green County; Graves asked if the Commission wished to make a recommendation for-the-record. Ziehli and Hoesly praised Green County’s past contributions and expressed hope that it would continue to provide funds to SCWRTC, if needed, and for rail rehab projects.

*Note: Commissioner Judy Olson arrived at 11:07 a.m.*

Kubly was asked if he would have to cash the Commission’s CDs to make this repayment and he said he was not sure at this time. Reflecting on the history of the funds, he said he thought Dane County had taken its funds in 1989 or 1991.

**Motion to honor Green County’s request and return Green County’s funds, prior to year end, as funds permit / Kubly / Hoesly /** In discussion Ken Lucht, WSOR, asked permission to speak and said WSOR hoped the Commission would recommend that the money be returned with a recommendation that the funds be designated for rail projects, noting that much-needed work is planned for the Orfordville Hill and that WSOR anticipates that it will be necessary to make repairs on several bridge in Green County. Several Commissioners expressed

reservations about the Commission appearing to attach strings. J. Olson suggested the Commission could respectfully request that funds be applied towards rail improvements in future years. Ziehli suggested that the Commission may wish to consider this as a separate Motion. After further discussion, Lucht said he only wanted to voice WSOR's concerns about the need for bridge improvements in Green County, the importance of maintaining the Monroe Subdivision system (which serves Badger State Ethanol), and to suggest that Green County may wish to plan in this way, concluding that he liked Ziehli's suggestion. Huntington agreed that a second motion could reference the Commission's action to return the funds and express the Commission's hope that the County would look favorably on continued funding to maintain the active rail system. Ziehli and Hoesly agreed on this approach / **the Motion passed unanimously.**

Ziehli asked Lucht for his suggestions. Lucht said the Commission could go on record referencing the 5-year rail rehab plan, which includes bridge upgrades (he said more would be known about needed repairs when WisDOT's bridge study is complete), and could recommend that Green County consider applying the returned funds, which were historically provided for rail rehabilitation projects, towards these projects. Discussion indicated further concern about whether it would be appropriate for the Commission to make such a recommendation. Both Hoesly and Kubly said that a recommendation, such as Lucht had suggested, should come from the PRTC (*Note: Hoesly, Kubly, and O. Olson are also PRTC Commissioners*). Graves suggested perhaps the spirit of the discussion could be more broadly framed, and summarized that the Commission has long appreciated Green County's funding support for the rehab of active rail and hopes this support will continue.

**Motion directing Graves to send a letter to Green County and the PRTC expressing SCWRTC's appreciation and its support for future funding requests from the PRTC, which continues to have active rail through Green County / J. Olson / O. Olson / Discussion followed, with both support and concerns expressed, and Ziehli suggested the Commission could still extend its appreciation and asked J. Olson if she would withdraw the motion / Motion Withdrawn / J. Olson.**

Amidst laughter and a resounding series of ayes, Graves was informally directed to extend the Commission's thanks to Green County for its long-standing support and funding for rail rehab projects.

**7) c. WisDOT - Update & Possible Action Item. Monroe's 8<sup>th</sup> St Bridge / Three-Party Rails-To-Trails Agreement**

Jim Tracy introduced the status of the project, on which the Commission has acted before. Graves read comments from the Commission's attorney, Eileen Brownlee, who, when this issue first came before the Commission, had written: "*Under the Rails-to-Trails agreement with the WisDNR, the DNR would have the responsibility to upgrade any portion of the right of way (including bridges) necessary to resume rail service. Here, it appears as though WisDOT is taking on that responsibility which is somewhat inconsistent with DNR's obligation. When the letter is prepared by WisDOT, we may want some language in it that states that the letter is not intended to abrogate DNR's obligations under the rails to trails agreement except in this specific*" After reviewing the current draft of the Agreement, Brownlee had written that she did not think it would be appropriate for the Commission to sign the Agreement, lest it later be construed "*...as a waiver of the Commission's right to compel reinstallation of the bridge if and when it is necessary.*"

Tracey said WisDOT could have gone either way since this particular bridge had a somewhat unique funding structure, making this arrangement appropriate and that, in this case, reinstallation of the bridge would come from rail start-up costs. Hoesly asked whether, if the Commission had signed, it would have put them out of Rails-to-Trails? Tracy said, no—this was an unusual case and would not have had any impact and all bridges would have to be replaced. Huntington said he recollected that the bridge was turned back to WisDOT when service ceased, WisDOT had shared the salvage with the Commission, and WisDOT could proceed without Commission action but would appreciate its concurrence.

**Motion acknowledging that the 8<sup>th</sup> St Bridge in Monroe should be removed and that WisDOT has the authority to enter into an Agreement with the City of Monroe, in this unique case, which, in no way, sets a precedent about the requirements for replacement in other segments of the corridor / J. Olson / Hoesly / In discussion, questions were asked about other bridge Agreements and Huntington said those were highway bridges, but the bridge in question is a rail bridge that could not support railroad lading and would have to be completely reconstructed if rail service were resumed / Motion passed unanimously.**

**9) Motion to Adjourn / O. Olson / Kubly / passed unanimously at 11:43 a.m.**