

**SOUTH CENTRAL WISCONSIN RAIL TRANSIT COMMISSION**

1:30 pm Wednesday, 23 January 2008 • DNR Building, 3911 Fish Hatchery Rd, Fitchburg, WI

- 1) **Chair Robert Hoesly called the meeting to order at 1:44 p.m.**
- 2) **Commissioners present for all or part of the meeting:**  
Dane County:    [   ] Jim Haefs-Flemming    [   ] Judy Olson        [ x ] Paul Ziehli  
Green County:   [ x ] Robert Hoesly                [ x ] Harvey Kubly    [ x ] Oscar Olson  
*Jim Haefs-Flemming was present but was called away before the meeting was called to order; Judy Olson was prepared to join the meeting via teleconference if needed for quorum; Harvey Kubly arrived at 1:44 and quorum was established.*  
  
**Others present for all or part of the meeting:** Joni Graves (SWWRPC); Eileen Brownlee (Kramer & Brownlee); Dana White-Quam (WI DNR); Frank Huntington, Roger Larson, Jim Tracey (WisDOT); Masood Ahmad, Sameer Abdullah, Mark Nardini (Illinois DOT); and David Skaleski (Parsons Brinckerhoff for iDOT).
- 3) **Motion accepting Graves' public notification of the meeting / O.Olson / H.Kubly / passed unanimously**
- 4) **Consensus action approving the Agenda, prepared by Graves, with the request that Item #9 (the iDOT request related to US 20) be moved up on the Agenda.**
- 5) **Motion approving the draft Minutes from October 2007, prepared by Graves / O.Olson / H.Kubly / passed unanimously.**
- 6) **US 20 – iDOT Request for Comments and/or Concurrence for Final Design Plan –**  
The iDOT representatives explained that the proposed design was 4-lane but had been built as a 2-lane in the 1980s and iDOT is trying to complete the 3.2 miles at this location. The money for construction is not in the program, but they would like the project to be ready to go when the money is available, which could be as early as June 2008. The presenters distributed handouts and went over the bridge design. Hoesly said the Commission wants to cooperate in any way possible, but that the greatest concern is that the bridge over the ROW would have to accommodate rails-to-trails and possible resumption of rail. It was explained that a temporary parking lot would be used during the construction of the bridge. The existing parking lot is at the origin / terminus of the trail and would be off-limits during construction for safety. Clearances, layout, alignment, drainage, signage, and site clean-up were discussed. The Commission was told that the closing would not last longer than 364 days – less than one calendar year – as required by iDOT. Locally they are looking at extending the trail to south to IL 26, with plans to remove crossings and create a location for a future path that would extend into the city-proper.

Brownlee asked what they need from the Commission and was told that iDOT is requesting concurrence on design and permission to go over the trail. This would have to be an agreement between IDOT and the SCWRTC. After some discussion, Brownlee said that the SCWRTC has an agreement with the Illinois DNR, which has agreed to operate under the provisions of the federal rails-to-trails program, and the Commission has turned over responsibility for day-to-day operations to the Jane Addams trail group. The iDOT representative said they have an agreement / concurrence with them but that they need some agreement for the contractor to access the property, so that would have to be between iDOT and the SCWRTC. Brownlee said the Illinois DNR and the Jane Addams trail

group don't have the right to sub-lease, so iDOT may need a temporary limited authorization permit. An iDOT representative said they do have a permanent easement, which was bought in 1984, and showed plat for the work that was done in 1984.

Hoesly asked for directions and Brownlee said the Commission could take action to approve with the provision that the Commission's attorney, and staff from WisDOT and the Wisconsin DNR would have the opportunity to review final documentation. She said she would need: 1) a legal description, 2) draft language from iDOT for the permit, and 3) Wisconsin staff could provide their verbiage for a permit for temporary construction and use of the property during construction.

**Motion granting any necessary permit or permits to the Illinois DOT, with concurrence by WisDOT and the WI DNR staff, for construction of a second set of lanes parallel to the existing US 20 over the Jane Addams Trail, with the requirements that IDOT will 1) keep the SCWRTC apprised of its construction timeline, 2) provide the SCWRTC and its designees with 100% plans if requested, 3) provide temporary trail signage, parking, and access during construction, and 4) that the proposed design clearances (as documented in the 90% plans presented to the Commission) will meet or exceed the federal Rails to Trails requirements consistent with Section 208 of the National Trails System Act Amendments of 1983, Pub. L. No. 98-11 (16 U.S.C. 1247 (d)) / P.Ziehli / O.Olson / Passed unanimously.**

The iDOT representatives departed at 2:17 pm and Kubly agreed to hold the financial presentation, since Brownlee would have to leave for another meeting.

- 7) **Update on the Commission's Illinois Tax Issues** – Eileen Brownlee said she was disappointed that George Bellovics was not present, as she had understood from Stan Yonkauski that he planned to attend. She said she had filed two appeals, which were dismissed, and expressed some frustration about “tilting at emails.” She said Yonkauski had agreed that the Illinois DNR would reimburse the Commission for taxes, as required by their commitment to the Commission, as “operating expenses” or “maintenance expenses” and that Bellovics was to have been at the meeting for that discussion. She said she would need an itemization of the taxes that have been paid and would follow up with Yonkauski and Bellovics. In summary, she said, “The upshot is that they have reluctantly agreed to pay – as long as it's not called ‘taxes’ – and I have no idea why this has taken the better part of a decade.” In response to a question from Hoesly, Graves and Brownlee said they thought it would be better for the tax statements to continue to come to the Commission, so it can track the issue and know the tax bills are being paid. Kubly said the last check for a half-year was for \$754 and estimated that the amount owed to the Commission for taxes paid to-date would be about \$1,400 or \$1,500 per year. The Commission took action after further discussion.

**Motion directing Eileen Brownlee to send an itemized invoice to the Illinois DNR for costs of the trail borne by the SCWRTC and requesting reimbursement of the amount paid in taxes, interest, and any filing fees** / in discussion, Kubly asked about reimbursement of legal fees and staff costs; Hoesly said he thinks Illinois is willing to pay the taxes and interest and Brownlee said, “It's not a matter of willingness – it's a matter of contract” / **O.Olson / P.Ziehli / passed unanimously.**

Hoesly said, “Hopefully eventually it will get resolved.” Brownlee departed at 2:44 pm.

- 8) **Treasurer's Report** – Harvey Kubly recapped the last quarter of 2007 and said the only check was for \$1,000 for Johnson Block (he clarified that it was not to Stephenson County, which was an error in the Report, but was the 2006 audit fee) and that the CD interest has held up rather well.

**Motion accepting the Treasurer's Report, as presented, with the correction that the check for \$1,000 was paid to Johnson Block for the 2006 Audit [not to Stephenson County for taxes in Illinois] / H.Kubly / O.Olson / passed unanimously**

**Motion approving payment of bills from SWWRPC for \$2,708.81 for staff services for April-December 2007 and Eileen Brownlee for \$972.00 for legal services for 2007 / O.Olson / P.Ziehli / passed unanimously.**

Kubly distributed bound copies of the 2006 Audit of the Commission's Finances and said there had been no comments or changes from the draft, which had been distributed earlier. He said he had reviewed it page by page and had found no problems of any kind with the Commission's financial status.

**Motion approving the 2006 Audit of the Commission's Finances, prepared by Johnson Block / H.Kubly / P.Ziehli / passed unanimously.**

Kubly suggested that considering how infrequently the Commission meets, it may be appropriate to take action commencing the 2007 audit.

**Motion approving audit engagement for the Commission's 2007 finances with JohnsonBlock for \$1,000.00 / O.Olson / H.Kubly / passed unanimously.**

- 8) **Belleville Property Maintenance Update** – Ziehli, who is the Village President, said the matter, which was raised by Belleville President Erica Ehlert, is on hold with the pending design of a new church and that the Village just signed an agreement for doing a study related to the drainage. He recommended waiting until the engineers come up with their plan, noting that the church will have to put in two retention ponds as part of their planned construction.
- 9) **Staff Services Contract with SWWRPC for 2008** – Joni Graves

**Motion approving renewal of a staff services agreement for 2008 with the SWWRPC for \$4,000.00 plus expenses / P.Ziehli / O.Olson / passed unanimously.**

- 10) **WisDOT** – there was no report, but some discussion followed regarding the status of the rail program and budget for the coming year.
- 11) **DNR Report** – there was no report although Dane White-Quam said it had been a good year for snowmobiling and not a lot of problems reported on the trail. She said that staff had met with ATV'ers and it had gone fairly well with some minor changes pending, based on last year's experience. She said they have reviewed a couple permit requests in the Monroe and Belleville areas and sent to WisDOT for permitting.

Ziehli asked if it would be possible to get a map of the trail for the information kiosk in the Village. Other comments were about the prospects for funding for signage and trail improvements.

12. **Motion adjourning the meeting at 3:05 p.m. / H.Kubly / O.Olson / passed unanimously.**

<b>The next SCWRTC meeting is scheduled for April 23<sup>rd</sup>.</b>
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