

# SOUTH CENTRAL WISCONSIN RAIL TRANSIT COMMISSION

719 Pioneer Tower • 1 University Plaza • Platteville, Wisconsin 53818  
 Harvey Kubly, Chair • Commission Office Phone 608.342.1636 • Fax 608.342.1220  
 MEMBER COUNTIES: DANE • GREEN

## ADOPTED MINUTES

**Friday Jan. 29th, 2010, 2:00pm, Fitchburg DNR Facilities, 3911 Fish Hatchery Road, Fitchburg, WI**

- 1) Harvey Kubly, Chair, called the meeting to order at 2:00 pm.
- 2) Roll Call / Establishment of Quorum:

Commission members present for all or part of the meeting:			
Dane	Jim Haefs-Flemming		
	Judy Olson	Secretary	
	Paul Ziehli	Vice Chair	X
Green	Harvey Kubly	Chair	X
	Oscar Olson	Treasurer	X
	Ron Wolter		X

Others present for all or part of the meeting:	
Amy Seeboth	SWWRPC & SCWRTC Administrator
Frank Huntington, Roger Larson & Sheri Walz	WDOT
Dana White-Quam	WDNR
Ron Kane & Terry Groves (by phone)	Stephenson County, IL
Eileen Brownlee	Kramer & Brownlee, SCWRTC Legal Counsel

- 3) Certification of Public Notice – Seeboth, PRTC Administrator
- 4) Motion approving the Agenda, prepared by Seeboth- Wolter/ Ziehli – Passed Unanimously
- 5) Motion approving the draft October Minutes - Wolter / O.Olson / Passed Unanimously
- 6) Public Comment – None
- 7) Correspondence & Communications – None

## REPORTS & COMMISSION BUSINESS

- 8) SCWRTC Financial Report – Oscar Olson, SCWRTC Treasurer, distributed copies of the Treasure’s Report and provided an overview. Final versions of the Audit were distributed to everyone present.
  - Motion approving Treasurer’s Report - Ziehli / Wolter - Passed Unanimously
  - Motion approving payment of Bills – Ziehli / Wolter - Passed Unanimously
  - Motion to adopt 2010 SCWRTC Budget – Wolter / O. Olson – Passed Unanimously

### SCWRTC 2010 Budget

Projected Expenses	
SWWRPC - Staff Services	\$4,400.00
Kramer & Brownlee - Legal Services	\$1,500.00
Johnson Block – 2009 Audit	\$1,100.00
Miscellaneous	\$200.00
<b>Total</b>	<b>\$7,200.00</b>

Projected Revenue	
IL DNR Reimbursement for Taxes Paid	?
Stephenson County Reimbursement for Taxes Paid	?
<b>Total</b>	<b>Possibly \$15,062.67</b>

- 9) **SCWRTC Administrator's Report**- Seeboth updated the Commission on the happenings of PRTC regarding their Rails-to-Trails Agreement, noting that the Draft WDOT Economic Feasibility Study of Freight Rail Restoration in Southwestern Wisconsin is now available. It can be found online at [www.swwrpc.org/transportation/prtc.php](http://www.swwrpc.org/transportation/prtc.php). Seeboth also thanked the Commissioners for their flexibility in changing the meeting date to Friday from Wednesday of this week.
- 10) **WisDOT** – Frank Huntington provided an overview of WDOT happenings since the last SCWRTC meeting. This past year WDOT acquired line between Plymouth and Kohler (in June), and they are working with the local transit commission and WSOR to rehabilitate the track. WDOT also acquired track through Janesville and a seven-mile stretch through the Badger Army Ammunition plant in Sauk county. They have two acquisitions in Chippewa and Barron counties that they are working on completing. Several rehabilitation projects are going on right now: Sheboygan County, Madison to Milton, Monroe to Janesville, north Milwaukee and Slinger, and Barron County.

Right now, WDOT is also working to help set up transportation for a UW-Madison power plant that wants to run on biofuels / natural gas. The biofuel will need to be brought in by rail, and this could possibly require 30 rail cars / day. The power plant is right where the SCWRTC line meets with the WRRTC line. UW-Madison wants to use the corridor that used to be part of SCWRTC for other purposes, including a driveway and truck scale. Eileen Brownlee, the Commission's Legal Counsel, doesn't think it necessary at this point for the Commission to take action because of an agreement in 1998 where SCWRTC signed this section over to WRRTC and their operating agreement with WSOR. Huntington explained that the City and UW want to convert a portion of the corridor to a fire lane and truck scale, WDOT says this leaves enough room for trains and approves of the changes. Huntington passed around a map and schedule of events. Said that WDOT would like the Commission's informal approval of this project at least and that this doesn't require a motion, but he wanted to be sure they knew about the project and didn't have concerns. The agreement with WRRTC may be revoked by SCWRTC at any time. The Commission acknowledged that they reviewed the project and had no immediate concerns.

Huntington also spoke about the high speed rail Federal funding that was just approved. Plans are to eventually extend the line to St. Paul / Minneapolis. The line will be shared with freight rail.

Finally, Huntington introduced Sheri Walz. She started two weeks ago and is the replacement for Vicky Schaeffer who has retired.

- 11) *(Items 11 & 12 were moved to after Item 17)* **DNR Report** – Dana White-Quam, Wisconsin DNR Regional Park Specialist reported to the Commission that drawings of the northern portion of badger trail though City of Fitchburg are being finalized by the WDOT right now, and very close to complete. The DNR is hoping that it will go out to bid in 2-3 weeks and that the project will be complete by first part of June at the latest. Kevin Swenson will manage this northern portion of the trail.
- 12) **Badger Trail Use** –White-Quam said that the DNR does not have really accurate estimates on who is using the trail and when. The busiest segments are nearest the largest cities – Monroe to Monticello and Belleville to Monticello. White-Quam believes that the northern segment will experience a tremendous amount of use since it will be so near an even larger urban area. While no economic impact study has been completed for the Badger State Trail, Seeboth will coordinate with White-Quam to provide each Commissioner with an economic impact study from a similar trail in Wisconsin so that Commissioners can see what type of impact the Badger State Trail likely has for the surrounding communities.
- 13) **Approval of 2008 SCWRTC Audit with Johnson Block** – *Wolter / Zeihli – Passed Unanimously*
- 14) **Consideration of 2009 Audit Engagement Letter with Johnson Block** –*Ziehli / O.Olson – Passed Unanimously*
- 15) **Consideration of 2010 SWWRPC Staff Services Agreement** – *Wolter / O.Olson – Passed Unanimously*
- 16) **Red Oak, IL Building Request** - Seeboth explained that earlier, six months ago, she received a number of phone calls from residents of Red Oak, IL, who were concerned about a building that is going up on rail corridor, where the

corridor is double-wide for siding, in that community. The building in question is a trail maintenance building going up next to the trail, not on it, and the Jane Addams Trail Commission is the group planning the construction. At the Oct. meeting, the Commission voted to not sell this land to adjacent land owners, but the Commission deferred decision about how to respond to the Trail Commission's building request to this meeting.

Brownlee offered her opinion, that she is concerned about the tax situation in Stephenson County and that the new building might translate into a tax increase. She advised that the Commission certainly say no to this building until the tax issue is concerned. In the longer term the Commission could consider selling this land as it a larger piece of land than would be needed for an active corridor, but SCWRTC would need consent of the WDOT to do this. In the long term, SCWRTC could possibly also lease the land to the Trail Commission, as this would likely not be a violation of the SCWRTC agreement with the IL DNR, but the DNR *might* have issues with this. Right now, she says that the building certainly should not go up until the tax issue is resolved.

- **Motion that SCWRTC not allow the building at this time, or consider leasing or selling this land – Ziehli / O. Olson – passed unanimously**

*(Wolter left at 3:10)*

**17) II Tax Issue** – The Commission called in Kane and Groves in Stephenson County, to attend this agenda item via speaker phone. Seeboth updated the Commission on her communications with Illinois regarding the taxing problem between that State and SCWRTC. She has been working with Ron Kane, the Stephenson County Assessor, to develop a list of which parcels are in SCWRTC ownership, or should be, and then to assess which have been taxed and to what total amount. She is awaiting some more records from Kubly (brought to this meeting), but to date, her research showed that 24 parcels belong to the SCWRTC, and that six of those parcels have been taxed in past years, totaling an amount between \$12,000-15,000. The list previously used by SCWRTC "Addendum A" and provided by the IL DNR, was not an accurate list of what parcels belong to SCWRTC. Kane said that he changed the assessment amounts on all of the SCWRTC parcels so that they do not meet the minimum taxing threshold, thus alleviating the Commission of any further taxes on the parcels, he said.

O.Olson said he spoke with the Green County chair regarding this situation, and the Chair said that the Commission is welcome to use their attorney as well, if they think more heads would be better in this situation. Brownlee and Seeboth advised that that might be a good route to take, but it may also confuse things. The complication follows: once the Commission has identified which parcels they own, and how much money they are owed back from the IL DNR, there is no law in Illinois that allows for payment of taxes, in other words, in Wisconsin the State allows tax exemption to all non-profits and university land, even if owned by those outside of the state. Illinois does not recognize this tax exemption and therefore is not held to pay back taxes. Brownlee has received the advice in the past that she should send an invoice to IL DNR without any acknowledgement of what the invoice is for, hoping that that they will make a payment. Kane suggested that he and the Commission work on changing the state law to allow future tax exemptions and pay back the Commission for past taxes. Groves asked that in the future, correspondences to Stephenson County be addressed to him or Steve Ehlbeck, and not John Blum, County Chair.

The Commission agreed that Eileen should send an invoice for the amount SCWRTC has paid in taxes to Illinois.

**18) 4:06 pm Adjournment – Ziehli / O.Olson - Passed Unanimously**