

PECATONICA RAIL TRANSIT COMMISSION

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

MEMBER COUNTIES: GREEN • IOWA • LAFAYETTE • ROCK

1:00 PM • Friday, January 22, 2016 • Green Co. Courthouse, 2nd Floor Courtroom, 1016 16th Ave • Monroe, WI

1. 1:00 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:

	<i>Commissioner</i>	<i>Position</i>	<i>Present</i>		<i>Commissioner</i>	<i>Position</i>	<i>Present</i>
<i>Green</i>	<i>Harvey W. Kubly</i>	<i>Chair</i>	<i>x</i>	<i>Iowa</i>	<i>Charles Anderson</i>	<i>Secretary</i>	<i>excused</i>
	<i>Oscar Olson</i>		<i>x</i>		<i>William G. Ladewig</i>		<i>x</i>
	<i>Ron Wolter</i>	<i>Treasurer</i>	<i>x</i>		<i>Philip Mrozinski</i>	<i>Vice-Secretary</i>	<i>x</i>
<i>Lafayette</i>	<i>Leon Wolfe</i>		<i>excused</i>	<i>Rock</i>	<i>Ben Coopman</i>	<i>Alternate</i>	
	<i>Larry Ludlum</i>		<i>excused</i>		<i>Wayne Gustina</i>		<i>x</i>
	<i>Gerald Heimann</i>	<i>Alternate</i>			<i>Alan Sweeney</i>	<i>1st Vice Chair</i>	<i>x</i>
	<i>Ted Wiegel</i>		<i>x</i>		<i>Terry Thomas</i>	<i>2nd Vice Chair</i>	<i>x</i>

Commission achieved quorum.

Other present for all or some of the meeting:

<ul style="list-style-type: none"> • Mary Penn, SWWRPC • Kim Tollers, WDOT 	<ul style="list-style-type: none"> • Bill Reese • Bob Voegeli
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3. Action Item. **Certification of Meeting’s Public Notice** – *Noticed by Penn*
 - *Motion to approve certification of public meeting – Ladewig/Wiegel, Passed Unanimously*
4. Action Item. **Approval of Agenda** – *Prepared by Penn*
 - *Motion to approve agenda – Mrozinski/Ladewig, Passed Unanimously*
5. Action Item. **Approval of draft Minutes from October 2015 meeting** – *Prepared by Penn*
 - *Motion to approve draft minutes of October 2015 meeting – Sweeney/Mrozinski, Passed Unanimously*
6. Updates. **Public Comment** – *Time for public comment may be limited by the Chair*
There were no public comments from members present.
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. She noted most of the correspondence were emails in regard to today’s agenda item 14.
8. **PRTC Financial Report** – *Ron Wolter, SCWRTC Treasurer*
 - *Motion to approve Treasurer’s Report and payment of the bills – Sweeney/Gustina, Passed Unanimously*

Ron Wolter gave the Treasurer’s Report to the Commission, copies of which he also distributed. He listed the invoices received and checks to be approved. Bills included Johnson Block for the 2014 audit, Kramer and Brownlee for legal services, and the Green County Highway department for the No Trespassing signs and their installation per Commission action in October, 2015, and the SWWRPC Q3, 2015 bill for administrative services. Wolter said WSOR had billed the Commission \$26,500.00 for CTY K and 3rd and 4th Street projects in Brodhead. In addition, Harvey Kubly had billed for providing audit assistance and Wolter submitted bills for

the Treasurer's postage and mileage on behalf of the audit. Wolter noted that in the 7 years he had been on the Commission it had lost over \$59,000 in that time and the Commission funds were continuing to go down.

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

Penn explained that Ken Lucht was absent due to family issues and therefore there would be no WSOR report. Wolter said he wanted to talk to Lucht about the rail road crossings replaced in Brodhead. He said there was another one on West 3rd Avenue that really needed to be replaced and set as a high priority. Kubly suggested Wolter call Lucht to let him know that.

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

Kim Tollers reported that the 2016 fiscal year grants had been announced and granted by the State. She said there were no PRTC grants awarded. She said WisDOT was currently taking applications for 2017.

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

Penn reported on her administrative duties during the past quarter, including sending copies of the approved 2014 audit to member county clerks, working with corporation counsel on today's agenda item 14, and noted the upcoming May agenda would include officer elections, budget approval, and renewal of her staff contract. She said that she was hoping to migrate the PRTC's website off of the SWWRPC website to allow her more latitude in its design and content. Also, she said hopefully the rail mapping pilot project would soon be granted funding approval from WisDOT. Kim Tollers confirmed approval still required additional review by other within the department but she was confident the project would move forward.

She told the Commission Eileen Brownlee had announced she had joined a large law firm in Madison in December 2015. Brownlee had sent a letter explaining her motivations for this change, saying it would, among other things, give her greater flexibility and coverage to the Commission. Penn said that Brownlee had been clear that her fees would not change. Ladewig questioned Penn about the rate. Kubly confirmed Brownlee's rates would not change. Ladewig said if there were no contract between Brownlee and the Commission there could be a risk that the rate might change, badly impacting future PRTC budgets. Kubly asked Sweeney if this had come up at the WRRTC. Sweeney said it had not but Ladewig had made a good point but Sweeney did not know there was anything the PRTC could do about it. He did not think the PRTC could get a quote from the new firm. Kubly said the Commission was between a rock and a hard place because where else would the Commission go to find someone who had the history with the Commission. Sweeney said if legal expenses needed to be budgeted at a new rate, then the Commission needed to budget at that level. If there was some sort of assurance from Brownlee, that rate would be set for budget purposes.

Kubly said the Commission could take Brownlee at her word and hope that nothing happened. Ladewig said that could be misguided and suggested the Commission ask Brownlee what the hourly rate might be in the future in view of making the budget. If the new firm would not be amenable to that, the Commission might want to look for a new firm. Kubly said he would be reluctant to do that because it would look like the Commission expected the rate to go up. Ladewig said if they did not have a commitment from the new firm, the Commission would have to pay a higher rate if the firm set new fees. Wolter asked for a letter from Brownlee confirming her rate. Kubly said that was a wonderful idea. Ladewig said that would be a reasonable request. Penn said she could work with Brownlee on Brownlee's rates when Penn did the budget.

12. Tri-County Trail Commission Report – Leon Wolfe

As Leon Wolfe was excused, Ted Wiegel gave the TCTC report. Wiegel reported that the trail was closed due to icy conditions. Kubly said the longest discussion at the latest TCTC meeting was on towns giving ATVs the right to use ATVs on town roads.

13. Discussion and Possible Action of Election of Vice-Secretary – PRTC Commission

- Motion to appoint Phil Mrozinski to Vice-Secretary – Ladewig/Sweeney, Passed Unanimously

Penn said she had brought this issue to the table since the Secretary, Charles Anderson, spent his winters in Florida. Phil Mrozinski pointed out he had been made Vice-Secretary and reminded Penn she had brought him documentation to sign last year. Penn apologized for forgetting and said she would confirm his status in the past year's minutes. Ladewig made the motion to appoint Mrozinski regardless.

14. Discussion and Possible Action on Lease between Dale Hoesly and PRTC for property in Village of Browntown – Dale Hoesly

- Motion to place block at Browntown property to prevent parking on the property with any future lease negotiations reflecting the cost of signs and moving the blocks to and from site – Mrozinski/Olson: Motion carried; 1 dissent (Ladewig)

Penn said she had spoken to Dale Hoesly, mailed him the meeting packet, and called to remind him of the date of the meeting. Oscar Olson gave the Commission the history on the property. He said the Village of Browntown had told Hoesly to get vehicles of people

patronizing his business off the street. Hoesly had then pursued a lease between himself and the PRTC. However, only one year of the 5-year lease had ever been paid. Olson said the PRTC then ordered block be hauled in to block parking by Hoesly's patrons. The Village did not want the blocks there as they impeded Village snow removal and the Village then entered into a lease with the PRTC if the Commission would remove the blocks and add the lease cost to Mr. Hoesly's taxes. After the expiration of the Village lease of the property, the Village Board said they were not able to add the lease amount to Hoesly's tax bill and Village tax payers did not approve. Olson said he and Penn had tried different approaches with the Village, including posting. Penn reminded the Commission they had taken action in October to post No Trespassing signs on the property. Olson said he had spoken to Mr. Hoesly about the property and Hoesly had said he wanted to lease the property again, wanting control in managing the property. Upon receipt of the January 2016 meeting packet, Olson had spoken to Hoesly again, who said he had heard it would cost too much money to upgrade the property and would "try to make the meeting". Olson said he did not know what could be done on the property in term of management for \$1,000 or \$2,000 but there were big poles up in front of the property and big dirt piles of dirt and if that were cleared out, the space would be fine. Olson said Hoesly had mentioned he had customers pulling UTVs and they liked to stop and park there. Olson did not know if Hoesly was trying to attract trailers there. Penn confirmed there was parking occurring between the No Trespassing signs. Olson said the day before he said there were tracks in the snow where someone had been parking. Olson asked the Commission what they were going to do and suggested Penn contact the Sheriff's Department to patrol the area and ticket trespassers or put something between the posts to prevent parking.

Kubly asked how far the posts were set apart. Ladewig said the Commission should not waste any more time and money on the issue and they should have the sheriff's department ticket trespassers. He said Penn should call the sheriff's department and request they ticket if there were trespassing during patrols. Bob Voegeli said the bar owner had said he did not get ATVers using the sight but added that it impacted ATV trail use.

Mrozinski asked how much the blocks had cost and where they were put after being removed. Olson said they were more or less given to the Tri County Trail Commission. Mrozinski said it seemed a bit of a joke but wanted to look at what was fair. He said here was a guy using the property for free when other tenants paid rent. Looking at this in principal, as well as not wanting to spend more money, he believed that if it were just a matter of moving the blocks back and not removing them until there was a signed lease, that is what they should do. Olson said the Commission had had a signed lease (with the Village). Mrozinski asked if the police had time to patrol. If the Commission already owned the block and it were put back between the signs, put them back. He said it was fine to ask the police to write tickets but questioned whether that would be a deterrent. He said placing the block was the Commission's right as it is the Commission's property. He reiterated that this was just in looking at what was fair. Wiegel said the blocks can be put back, since they were out at the County fairgrounds.

Kubly asked for the cost of the signs. He was told it was \$135 for the signs and installation by the Green County Highway Department. Penn distributed the photos of the signs placed on the property. It was commented that cars could park on sight because the signs were too far apart.

Ladewig said he was afraid that someone might hit the blocks with their car. It seemed to him that the Commission was better off to get the sheriff to do patrols. Mrozinski said if they set the blocks back behind the line of the signs, there would be no doubt that people parking their cars there were trespassing. Ladewig said that might give them a better defense down the road. It was asked whether post boxes were on Commission property. Mrozinski said with the location of the bar, putting the blocks behind the signs would be helpful. Sweeney suggested that any future lease negotiations would reflect the cost and installation of the signs and moving the blocks to and from the site.

15. Discussion & Possible Action : Review of Fee Schedule – Mary Penn, Admin

- *Motion to accept the fee schedule as presented, excepting clarification of applicability on the utility permit fee – Mrozinski/Olson , Passed Unanimously*

Penn distributed the 2011 fee schedule and explained she had brought it to them merely because it had been a number of years since the Commission had last looked at it. Penn pointed out that the Commission did not charge, nor permit, utility work on the Monroe sub. Rather, the utility permit fee noted on the schedule applied to the trail only and she suggested she make that clear on the updated schedule. Tollers commented it seemed odd there had been no utility permits on the trail in the past couple of years. Mrozinski agreed that the Utility permit fee did not necessarily need a set amount. Ladewig asked when there is utility work on the trail, as those trails are preserved as rail corridor, did WisDOT need to review. Tollers said any utility work on the trail would be installed under Trans 29 so all concerns on the part of WisDOT would be addressed there. Ladewig said the way he interpreted the schedule for a driveway across the corridor would require the fee. Penn said the fee for a driveway was applicable only for new driveways.

16. Discussion and Possible Action of 2015 Audit Engagement Letter w/Johnson Block – Leon Wolfe

- *Motion to approve the 2015 Engagement Letter subject to Chair's efforts to lower the price – Thomas/Wiegel, PA*

Penn gave the 2015 audit engagement letter to Kubly who said the new fee was \$1300. He said last time it was lower and if there were no objections, he would try to get Johnson Block to lower it a little. He noted that between himself, Ron Wolter and Mary Penn, there was no one going out in the field as all the information was sent to the Johnson Block office and therefore, it seemed proper the Commission get a break on the price. Kubly confirmed that the cost to the PRTC last year was \$1,150.00.

Following the motion and vote, Olson said Wolter had just drawn to the Commission's attention to the fact that there was \$26,500 coming out of the budget, intended for the County K crossing and 3rd and 4th Street crossing work. Olson said that \$26,500 was being sent to WRRTC asked what has changed. He said Mike Doyle had been paying that and it was not coming out of that fund of money but money taken from other funds to pay for that. Kubly said the Green County contribution came to the PRTC as there was need on the PRTC system. Olson said he did not want to see the Commission getting another bill for \$26,500.00. Kubly reiterated that the Green County contribution went to the PRTC. Olson said that contribution came from Mike Doyle and not out of PRTC funds, adding that the Commission was soon going to be broke if they did not figure something out. He said they were down to \$109,000.00 in savings. Wolter said after he wrote checks they will have \$79,000.00 in total funds. Wiegel asked if the Commission had gotten the 2015 \$26,500 from the County. Wolter said they had gotten that for 2015 in October. Olson said it was kind of going the wrong way. Kubly said for a body that had limited income, the Commission had done rather well. Wiegel said they were only collecting \$12,000 for rent.

17. Action Item - Adjournment

- *Motion to adjourn at 2:00 PM – Gustina/Thomas, Passed Unanimously*