

SOUTH CENTRAL WISCONSIN RAIL TRANSIT COMMISSION

PO Box 262 · 20 S Court Street · Platteville, Wisconsin 53818
Harvey Kubly, Chair · Commission Office Phone 608.342.1637 · Fax 608.342.1220
MEMBER COUNTIES: DANE · GREEN

**Wednesday, April 27, 2016, 2:00 PM, Fitchburg DNR Facility,
Raptor Conference Room, 3911 Fish Hatchery Rd, Fitchburg, WI 53571-5367**

1. **2:07 PM** **Call to Order** – *Harvey Kubly, Chair*
2. Roll Call. **Establishment of Quorum** – *Mary Penn, SCWRTC Administrator*

Commission members present for all/part of meeting:		Others present for all/part of meeting:
Jay Allen, Dane County	Absent	<ul style="list-style-type: none"> Mary Penn, Administrator Kim Tollers, WisDOT
Jim Flemming, Dane County	Absent	
Paul Ziehli, Dane County, Vice Chair	X	
Harvey Kubly, Green County, Chair	X	
Oscar Olson, Green County	X	
Ron Wolter, Green County, Treasurer	X	

Commission achieved quorum.

3. Action Item. **Certification of Meeting’s Public Notice** – *Prepared by Penn*
 - Motion to approve certification of meeting– Olson/Wolter, Passed Unanimously*
4. Action Item. **Approval of Agenda** – *Prepared by Penn*
 - Motion to approve agenda – Wolter/Ziehli, Passed Unanimously*
5. Action Item. **Approval of draft Minutes from December 2015 meeting** – *Prepared by Penn*
 - Motion to approve December 2015 minutes – Wolter/Olson, Passed Unanimously*
6. Updates. **Public Comment** – *Time for public comment may be limited by the Chair*
There were no public comments.

7. Updates. **Correspondence & Communications** – *Time for reports/discussion may be limited by the Chair*
Penn reported on the correspondence and communications she had received since the Commission’s last meeting, including a phone call she received from a Mr. Dean Seager on February 11th who called to say more than 10 years ago he had talked with then SCWRTC Administrator Ken Lucht, then SCWRTC Administrator who had apparently approached Mr. Seager to see if he was interested in purchasing the right-of-way (ROW) for the “Red Oak” spur. Mr. Seager had not been interested at the time but now was. Penn told Mr. Seager she would try to find evidence of this offer in the meeting minutes. She reported that she had found nothing in the minutes corroborating this conversation, nor was she able to definitively identify the spur. Kim Tollers offered to look for the area if Penn would send her what information she had found.

REPORTS & COMMISSION BUSINESS

8. **SCWRTC Financial Report** – *Ron Wolter, SCWRTC Treasurer*
 - Motion to approved Treasurer’s Report as presented – Ziehli/Olson, Passed Unanimously*
 - Motion to approve payment of bill as presented – Olson/Ziehli, Passed Unanimously*

Ron Wolter gave the Treasurer’s Report to the Commission, saying that since the Commission last met in December 2015, the report reflected numbers from last year. He listed the receipts and disbursements and noted that the bank had told him that if

there were no activity in certain accounts, the money would go to the State. Wolter said he thought he had arranged with the bank that the interest roll into the checking account but that was not occurring and he would have to speak to the bank again. Paul Ziehli questioned the bank's assertion that their accounts could go to the state if no activity were noted. Wolter said he had been told that and again said he would tell the bank to roll the interest into the savings account. He also noted to Penn that the date of balance on hand was corrected to 2016.

Wolter then presented the quarter 4 SWWRPC bill for approval.

9. WisDOT Report – Kim Tollers, WisDOT

Kim Tollers said she did not have an update on the SubZero crossing issue. She said on 1/19/16 she had asked SubZero for a final plan so she could prepare the public crossing permit. Penn gave Tollers Dana White-Quam's notes from her update on the crossing. Tollers read White-Quam's update which corroborated Tollers report, as it explained why WisDOT had not heard anything to date.

Tollers then reported that the Hwy 11 crossing issue is now off the table and WisDOT would not be changing the crossing as it would cost too much on maintenance: they would leave it was rather than change it to cross under the highway. Wolter asked about the crossing's location. Tollers explained the location and confirmed this was part of a WisDOT Hwy 11 rebuild project. Harvey Kubly said WisDOT had held a meeting for stakeholders in March or April as he had received a letter but the timeline was for 2019. Tollers said as far as Rails and Harbors were informed, the idea for the trail to pass under the highway had been tabled.

10. WDNR Report – Dana White-Quam, DNR Regional Park Specialist

Penn explained that White-Quam had had a conflict and therefore could not attend. Penn said White-Quam's report was in essence the same as the WisDOT report: there had been no action on the SubZero crossing other than WDNR and the City of Fitchburg had signed an agreement that spelled out that Market Place Drive would be immediately closed once the new road connection had been made to Seminole Highway. White-Quam's update noted there was no timeline at this point.

In regard to Hwy 11, White-Quam reported the same information as Tollers. Mainly, that WisDOT had decided to no pursue a grade separated trail crossing at the location.

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

Penn reported on her administrative duties since the Commission last met, saying she had a series of emails that had been sent between herself and Eileen Brownlee on the subject of agenda item 13. Referring back to her conversation with Dean Seager, she said she had looked for information on his assertion but had found nothing. She asked the Commission if any of them remembered this ever coming up but they did not.

Penn noted that she had heard and received nothing from the City of Fitchburg in regard to the proposed Fitchburg Agricultural Route they had heard about from the City Planner at the October 2015 meeting.

12. SCWRTC 2016 Election of Officers

- *Motion to have the officers remain as are currently – Olson/Ziehli, Passed Unanimously*

Penn related she had checked the past minutes to determine how the Commission had conducted elections in the past, saying that two options were before them. They could either nominate officers separately or make a motion to keep the officers as they were.

13. Discussion and Possible Action on Assessment Sharing Agreement – Mary Penn, SCWRTC Admin.

- *Motion to place Item 13 on the next meeting agenda – Ziehli/Olson, Passed Unanimously*

Penn explained how this item was on the agenda, referencing the emails on her correspondence report between herself and Eileen Brownlee. Penn said multiple counties were in multiple RTCs and the method of their county contributions had never been documented. This was Brownlee's attempt to document the current practice.

Kubly said he did not understand the payment cycle, adding that he also did not understand why the SCWRTC was included because as long as he had served on the Commission, neither Dane nor Green had contributed to the SCWRTC and therefore the Agreement had no bearing. Penn said the Commission's only money was in savings, and they received very little revenue and perhaps in a decade the Commission might need a county contribution. The Commission discussed the various counties and how and where they contributed. Tollers confirmed the SCWRTC's savings came from the original salvage. Oscar Olson asked who paid for the pavement of the trail. Tollers said the WDNR would have done that. In reference to the Walters property fee revenue, Wolter said the money it cost to pay for it had been consumed by legal and administration fees. Kubly said some of the SCWRTC's money came from really good returns on investment in the past. Tollers spoke about the possibility of the Surface Transportation Board (STB) action on the Great Lakes Basin Transportation project, saying that it

could possibly impact the SCWRTC as a potential alternate route so the Commission might want to see if perhaps they should delay any sales, in regard to Dean Seager's proposed interest in the Red Oak spur. Penn said she could send what information she had found on the Seager request to Tollers so Tollers could look at the value maps and find more information. Kubly described the routes that existed in the old days.

Penn explained she had put this item on as an action item so the Commission could act if they chose: there was no timeline. Ziehli said he did not understand the Agreement's and Kubly said the Commission could pass on it. He asked Penn to get them all more information for the necessity of the Agreement from Brownlee. Olson asked if all the counties made contributions and did they all get by with the same amount of money. Kubly and Olson discussed the history of the "66" Agreement which had been intended to address collaborative funding. Penn said the "66" Agreement was never been signed. Kubly said since the "66" Agreement had never been approved, county contribution's had been for years nothing but a "gentleman's agreement". Ziehli repeated the Commission needed more clarification.

Tollers asked the Commission if they would want Frank Huntington to review the document as he had returned to WisDOT as an LTE. Penn said she would send him a scan of it.

14. Discussion and Possible Action on 2017 SCWRTC draft Budget – Mary Penn, SCWRTC Admin.

- *Motion to approve 2017 SCWRTC Budget with amendments – Olson/Wolter, Passed Unanimously*

Penn said the 2017 budget was identical to last year's. There was a discussion about the cost of the audit and also a direction to drop the miscellaneous budget to \$100. Kubly said he would call Johnson Block to see about the cost of the audit, considering how little work the SCWRTC required. Tollers asked if were possible for the Commission to do an audit every other year, seeing as how little activity they had. Kubly directed Penn to check the charter and see if they could have it done bi-annually.

15. Consideration and Possible Action on 2017 Staff Services Agreement with SWWRPC – Mary Penn, SCWRTC Admin.

- *Motion to approve 2017 Staff Services Agreement with SWWRPC – Wolter/Ziehli, Passed Unanimously*

Penn explained this was on the agenda since SWWRPC did their own budget in June and she needed to have her contracts completed by that time. Penn gave the contract to Kubly for signature, saying only the dates and the SWWRPC Executive Director had changed since last year.

16. Discussion and Possible Action on 2015 Audit Engagement Letter with Johnson Block – Mary Penn, Admin.

- *Motion to approve pending review of audit requirements - Wolter/Olson, Passed Unanimously*

Kubly asked the Commission if they would be willing to approve the 2015 Audit Engagement Letter to Johnson Block pending a check of the charter by Penn to see if the SCWRTC could have its audit down bi-annually. If they must be audited annually, approving would cover them. Tollers noted that the audit was a tenth of the SCWRTC's budget.

17. Action Item – Adjournment

- *Motion to adjourn at 2:56 PM – Wolter/Ziehli, Passed Unanimously*