

**Minutes of the
East Wisconsin Counties Railroad Consortium
Meeting of March 12, 2008**

East Wisconsin Counties Railroad Consortium Meeting was called to order by Vice Chairman Jerald Holub on March 12, 2008, at 10:00 a.m., at the Ozaukee County Administration Building Auditorium, 121 W. Main Street, Port Washington, Wisconsin.

Welcome to Ozaukee County: Tom Meaux, Ozaukee County Administrator, welcomed everyone to Ozaukee County. Rose Hass Leider also welcomed everyone to Ozaukee County. Rose Hass Leider distributed copies of newspaper articles from the *Positively Plymouth* and *The Sounder* regarding the Santa Steam Train promotion by the Plymouth Chamber of Commerce.

Certification Of Public Notice: John F. Corey certified that the notice of this meeting complies with all applicable requirements of Wisconsin's open meeting law.

Roll call was taken.

Present: Kenneth Hutler, Columbia County; Russell Kottke and Edwin J. Qualmann, Dodge County; Joseph Koch, Fond du Lac County; Rose Hass Leider, Ozaukee County; Jerald Holub and Duffy Reimer, Sheboygan County; Lawrence Hoffman, Washington County; and Stan Kline and Jef Hall, Winnebago County.

Excused: Donald DeYoung, Columbia County, Dick Flood, Fond du Lac County; Robert Walerstein, Ozaukee County; Carol Myers and Dennis Galatowitsch, Green Lake County; and Daniel Goetz, Washington County.

Others Present: Bill Gardner, WSOR; Charles Beck; David Schwengel; Frank Huntington, WisDOT Bureau of Rails and Harbors; James Block, Johnson Block and Company, Inc.; John F. Corey, Dodge County Corporation Counsel; and Kelly L. Lepple, Recording Secretary.

Public Comment: None.

Approval Of Minutes Of December 12, 2007: Motion by Kline/Koch to approve the minutes of the December 12, 2007, meeting as presented. Motion carried by unanimous vote.

Financial Report: Ed Qualmann: The balance in the checkbook on December 12, 2007, was \$1,000.00. Deposits were \$49,944.20. Expenditures were \$46,344.20. Transfers to AIM Investment Account were \$3,600.00. As of February 29, 2008, the balance in the checkbook was \$1,000.00. Total EWCRC Money on Deposit in the AIM Investment Account as of February 29, 2008, is \$164,530.03. Motion by Hoffman/Kline to approve the financial report as presented. Motion carried by unanimous vote.

Level of Funding by Green Lake County for 2008: John Corey reported that Green Lake County will be contributing at the \$15,000 level for 2008. There was discussion about the lack of attendance by representatives of Green Lake County at meetings of the Board of Directors of the EWCRC. Motion by Leider/Kline to authorize and direct the Chairman to draft and send a letter to the Chairman of the Green Lake County Board of Supervisors emphasizing the importance to Green Lake County and to the Board of Directors of the EWCRC, of regular attendance by representatives of Green Lake County, at meetings of the Board of Directors of the EWCRC. Motion carried by unanimous vote.

Consider and Approve EWCRC Annual Audited Financial Report for 2007 by Johnson Block and Company, Inc.: Motion by Kline/Hutler to consider and approve EWCRC Annual Audited Financial Report for 2007 by Johnson Block and Company, Inc. John Corey reported that he received a telephone call from Jim Block requesting that he be allowed to appear later today than as ordered on the Agenda. John Corey further reported that he relayed Mr. Block's request to the Chairman of the EWCRC, who considered Mr. Block's request, and then granted it. Motion by Kline/Hutler to withdraw the Motion to consider and approve EWCRC Annual Audited Financial Report for 2007 by Johnson Block and Company, Inc. Motion by Kline/Hall to address agenda items 8 and 9 later in the meeting when Mr. Block will be present.

Consider, Approve and Authorize Payment of Invoice of Dodge County for Services Provided by the Dodge County Accounting Department in 2007: The statement for services provided by the Dodge County Auditor and staff, in recordkeeping, accounting assistance, and in preparing the EWCRC Annual Financial Report for 2006, in the amount of \$500.00, was presented for payment. Motion by Kline/Hoffmann to approve payment of this statement. Motion carried by unanimous vote.

Consider, Approve and Authorize Payment of Invoice of Dodge County for Services Provided by the Corporation Counsel Office in 2007: The invoice of Dodge County for services provided by the Dodge County Corporation Counsel and staff in 2007, totaling \$17,726.06, was presented for payment. John Corey reviewed and explained the invoice. There was discussion regarding the amount charged for photocopies. John Corey stated that he would talk to the Dodge County Finance Committee and report back to the Consortium with regard to the possibility of reducing the \$0.25 per page photocopy charge. There was also discussion as to why Dodge County's 2007 invoice is so much higher than its 2006 invoice. There was further discussion regarding the hourly productive rate used by Dodge County to bill for personal services. John Corey stated that he would report back to the Consortium with regard to how the productive rate is calculated. Motion by Kline/Hoffman to approve payment of this invoice. Motion carried by unanimous vote.

Invoices to EWCRC Member Counties for Member County Contributions for 2008: John Corey requested authorization from the Consortium to send invoices to EWCRC member counties for member county contributions for 2008. Motion by Kline/Kottke to authorize and direct Mr. Corey to send invoices to EWCRC member counties for member county contributions for 2008. Motion carried by unanimous vote.

Consideration and Adoption of Amended Bylaws of the EWCRC: There was discussion regarding revision of the amended Bylaws of the EWCRC. Stan Kline stated that there was a typographical error on Line 78. John Corey stated that he would make the correction. Motion by Koch/Hall to adopt the amended bylaws of the EWCRC. Motion carried by unanimous vote.

Consider, Amend and Approve Operating Agreement for Rail Service Continuation By and Between the East Wisconsin Counties Railroad Consortium and Wisconsin & Southern Railroad Co., Agreement No. 0490-40-50(F-1) and Consider, Authorize and Direct Chairman and Secretary to sign Operating Agreement for Rail Service Continuation By and Between the East Wisconsin Counties Railroad Consortium and Wisconsin & Southern Railroad Co., Agreement No. 0490-40-50(F-1): John Corey discussed the proposed changes to the Operating Agreement for Rail Service Continuation By and Between the EWCRC and WSOR. John Corey stated that there will be some minor formatting changes to the Operating Agreement, but asked that the Consortium approve the Operating Agreement and authorize and direct the Chairman and Secretary to sign the Operating Agreement. John Corey further stated that 3 duplicate originals of the Operating Agreement will be executed. Motion by Kottke/Kline to approve the Operating Agreement for Rail Service Continuation By and Between the East Wisconsin Counties Railroad Consortium and Wisconsin & Southern Railroad Co., and to authorize and direct the Chairman and Secretary to sign the Operating Agreement for Rail Service Continuation By and Between the East Wisconsin Counties Railroad Consortium and Wisconsin & Southern Railroad Co. Motion carried by unanimous vote.

Consider, Amend and Approve Operating Agreement for Rail Service Continuation By and Between the East Wisconsin Counties Railroad Consortium and Wisconsin Department of Transportation, Agreement No. 0490-40-50(B-2) and Consider, Authorize and Direct Chairman and Secretary to sign Operating Agreement for Rail Service Continuation By and Between the East Wisconsin Counties Railroad Consortium and Wisconsin Department of Transportation, Agreement No. 0490-40-50(B-2): John Corey discussed the proposed changes to the Operating Agreement for Rail Service Continuation by and between the EWCRC and WisDOT. John Corey stated that there will be some minor formatting changes to the Operating Agreement, but asked that the Consortium approve the Operating Agreement and authorize and direct the Chairman and Secretary to sign the Operating Agreement. John Corey further stated that 3 duplicate originals of the Operating Agreement will be executed. Motion by Kottke/Kline to approve the Operating Agreement for Rail Service Continuation By and Between the East Wisconsin Counties Railroad Consortium and Wisconsin Department of Transportation, and to authorize and direct the Chairman and Secretary to sign the Operating Agreement for Rail Service Continuation By and Between the East Wisconsin Counties Railroad Consortium and Wisconsin Department of Transportation. Motion carried by unanimous vote.

Consider, Amend and Approve Land Use Agreement By and Between the East Wisconsin Counties Railroad Consortium and Wisconsin Department of Transportation, Agreement No. 0490-40-50(A-1) and Consider, Authorize and Direct Chairman and Secretary to sign Land Use Agreement By and Between the East Wisconsin Counties Railroad Consortium and Wisconsin Department of Transportation, Agreement No. 0490-40-50(A-1): Frank Huntington reported on the Land Use Agreement By and Between the EWCRC and WisDOT. Motion by Kline/Hall to approve the Land Use Agreement By and Between the East Wisconsin Counties Railroad Consortium and Wisconsin Department of Transportation, and to authorize and direct the Chairman and Secretary to sign the Land Use Agreement By and Between the East Wisconsin Counties Railroad Consortium and Wisconsin Department of Transportation. Motion carried by unanimous vote.

Consider and Take Action on Joint Use of Rail Line Segment between Rugby Junction and Slinger, Wisconsin: There was discussion regarding the joint use by WSOR and Canadian National

Railway of the rail line segment between Rugby Junction and Slinger, Wisconsin.

Consider and Approve EWCRC Annual Audited Financial Report for 2007 by Johnson Block and Company, Inc., and Consider, Approve and Authorize Payment of Invoice of Johnson Block, Inc. for Services Provided in Preparing the 2007 Audited Financial Report: Jim Block of Johnson Block and Company, Inc., presented the EWCRC annual audited financial report for 2007. A second draft of the financial report was distributed to the Consortium members. Mr. Block explained the report. There was discussion regarding the EWCRC annual audited financial report for 2007. Motion by Hall/Kline to approve the 2007 Financial Report as presented by Mr. Block and to approve and authorize payment of invoice of Johnson Block and Company, Inc., in the amount of \$2,400.00 for services provided in preparing and presenting the 2007 EWCRC audited financial report. Motion carried by unanimous vote.

Report of WSOR: Bill Gardner reported that WSOR will host two rail inspection tours. One rail inspection tour will be on the Milwaukee Subdivision between North Milwaukee and Slinger. The other rail inspection tour will be between Waupun and Hartford. Bill Gardner also reported that Jefferson County may be joining the Wisconsin River Rail Transit Commission. Bill Gardner further reported that there has been a lot of snow on the rail corridors because of drifting. WSOR has been busy removing the snow from the rail corridors by means of a V-plow mounted on the front of a locomotive. Bill Gardner also stated that there have been several small derailments due to ice. Bill Gardner reported that WSOR and Canadian National Railway have not come to an agreement with regard to the joint use of the rail line segment between Rugby Junction and Slinger, Wisconsin. Bill Gardner reported that the owners of several businesses in Calumet County have expressed dissatisfaction with the level of service that the Canadian National Railway has recently provided to them.

Date, time, and place of next meeting (May 14, 2008). The next regular EWCRC meeting will be held on Wednesday, May 14, 2008, at 10:00 o'clock a.m., at the Dodge County Administration Building, located at 127 E. Oak Street, Juneau, Wisconsin. The date and time are subject to change.

Motion by Qualmann/Kline to adjourn. Motion carried by unanimous vote.

Meeting adjourned at 11:43 a.m.

Respectfully submitted,

Jef Hall, Secretary