

**Wisconsin River Rail Transit Commission
Commission Meeting – Friday, April 8, 2022 at 10:00 am
Waunakee Public Library**

1. 10:00 AM **Call to Order** – Alan Sweeney, Chair
2. Roll Call. **Establishment of Quorum** – Matt Honer, Admin

Crawford	Carl Orr, 2 nd Vice Chair	X	Jefferson	Mary Roberts	Absent
	Mark Gilberts	X		John Kannard	X
	Tom Cornford	X		Kathy Bahner	X
				Karl Zarling, Alternate	Excused
Dane	Kevin Potter	Excused	Rock	Russ Podzilni	X
	Jeff Huttenburg, Treasurer	X		Wayne Gustina	Excused
				Alan Sweeney, Chair	X
Grant	Gary Ranum	X	Sauk	Brian Peper	X
	Mike Lieurance	X		Dave Riek, 2 nd Vice Treasurer	X
	Robert Scallon, 1 st Vice Chair	X		Marty Krueger	Excused
				Tim McCumber, Alternate	X
Green	Harvey Kubly, 1 st Vice Treasurer	Excused	Walworth	Al Stanek	Excused
	Oscar Olson	X		Richard Kuhnke, 2 nd Vice Secretary	X
	John Buol	Excused		Allan Polyock	X
Iowa	Charles Anderson, Secretary	Excused	Waukesha	Dick Mace	X
	Kate Reimann	X		Richard Morris	X
	Susan Storti	Excused		Karl Nilson, 3 rd Vice Treasurer	Excused

Commission met quorum.

Others present for all or some of the meeting:

<ul style="list-style-type: none"> • Ken Lucht, Jamaar Benton – WSOR • 	<ul style="list-style-type: none"> • Lisa Stern, Todd Wojciuk – WisDOT • Alan Anderson, Pink Lady RTC.
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3. Action Item. **Certification of Meeting’s Public Notice** – Noticed by Honer.
 - o Motion to approve meeting’s public notice – Kuhnke/Morris. Passed Unanimously.
4. Action Item. **Approval of Agenda** – Prepared by Honer.
 - o Motion to approve the agenda. Podzilni/Peper. – Passed Unanimously.
5. Action Item. **Approval of draft March 2022 Meeting Minutes** – Prepared by Honer.
 - o Motion to approve the March 2022 meeting minutes with minor grammatical corrections. Mace/Cornford. Passed Unanimously.
6. Updates. **Public Comment** – Time for public comment may be limited by the Chair.
None

7. Updates. Announcements by Commissioners

Sweeney thanked all of the Commissioners who are leaving the Commission after this meeting and announced the Commission will have an election of officers at the April meeting.

REPORTS & COMMISSION BUSINESS

8. WRRTC Financial Report – Huttenburg, Treasurer

Ranum asked about the minutes reflecting the member counties who have paid. Huttenburg stated that the Commission’s financial statements are always a month behind due to the receipt of the statement from the Local Government Investment Pool. Huttenburg reported on the cash flow and balance sheet. Huttenburg stated that the .89 cents in the 2022 project fund was a correction to make sure that interest from that account is being sent into the WRRTC account and not the project accounts. Huttenburg stated he will be bringing our existing lease agreements to the Commission at the next meeting. Peper asked about the interest rate the Commission is receiving. Huttenburg stated that it is very minimal but that future months will show a significant increase in the interest earned.

- o Motion to approve the Treasurer’s Report and payment of the bills. Polyock/Cornford. Passed

Unanimously.

9. Wisconsin & Southern Railroad's Report on Operations – Ken Lucht– WSOR

Lucht introduced Jamaar Benton, sales manager for the WSOR. The majority of Benton's sales portfolio is in industrial products. Lucht stated the CWR project on the Prairie Sub. is moving ahead and WSOR has secured contractors. WSOR has sent out bids for 10 at-grade crossings on the Reedsburg Sub., mostly between Madison and Waunakee. That project also includes 15 more miles of tamping. With the tamping and crossings completed the project will be finished. WSOR applied for a FRPP loan to complete the second phase of the Reedsburg Sub., between Devil's Lake and Reedsburg, which requires additional tie work. If awarded that FRPP loan, the project would begin next year. Between Anderson and Milton on the Madison Sub, WSOR is having issues with extending blocking of private crossings. WSOR will be hi-railing the Sub. to assess the existing farm crossings. WSOR hired a contractor for the annual network weed spray to start in May. FEMA has contacted WSOR to do an emergency response event in Wapun to demonstrate an emergency rail accident event.

Benton stated demand has increased as Covid-19 is going away. There is rail demand from the plastics industry. There is a big development with United Cooperative in Boscobel. Benton mentioned that some challenges include oil and gas prices and staffing both within WSOR and in the industry. Benton mentioned a few locations in Wisconsin where he is seeing increasing demand. Sweeney asked about future plans for the former GM plant in Janesville. Benton is unsure of future plans but WSOR is in favor of seeing future industrial development. Polyock asked how many additional trains get into Chicago a week because of the Belden siding. Lucht stated the Belden siding gets 4-5 additional trains into Chicago.

10. WisDOT Report – Stern, Wojciuk - WisDOT.

Wojciuk stated there is a lot of real estate activity throughout the state involving rail. Wojciuk stated a few projects on the WRRTC system include Pleasant View Dr. in Middleton and University Dr. in Madison. Stern stated WisDOT is looking for a grade crossing engineer. The grant agreement for the Merrimac bridge and negotiations with UP and WSOR on the Janesville bridge project are both moving ahead. The Borden Rd. crossing closure in Boscobel has a conflict with a pedestrian and bike path Transportation Alternative Project Grant. Ranum asked if there is a requirement for the county highway department to provide input, Stern stated she will follow up but that the crossing closure caught the issue as it was expected to.

11. WRRTC Correspondence/Communications and Administrator's Report – Honer, Admin.

Honer reported that the WRRTC website is down and expects a new website to be active in May. Honer stated there is a lot of development taking place in Fitchburg especially along Syene Rd. In addition to a large multi-family development taking place immediately adjacent to the corridor, the City of Fitchburg has contacted the Commission about the necessity of taking property through eminent domain for the reconstruction of Syene Rd between Aurora Avenue and McCoy Rd. Honer responded to their letter with a letter from the Commission informing them that property owned by a municipal entity (the Commission) is not subject to eminent domain.

12. Possible Action on Utility Permits in the City of Fitchburg - Honer, Admin.

Honer reviewed the permits and does not have concerns about them. He provided them to WSOR for review. Lucht stated that WSOR has reviewed these permits and has approved them.

- *Motion to approve the utility permits as presented by the City of Fitchburg for utility installations at Syene Rd.. Cornford/Mace. Approved Unanimously.*

13. Consideration and Action on Private Crossing Application for 6236 State Hwy 133, Boscobel on the Prairie Sub. - Honer, Admin.

Honer stated that WSOR brought the private crossing agreement to the Commission. The applicant is looking to move an existing crossing that goes into his neighbor's land, to a new crossing that connects property that he owns. Honer did not see anything in the crossing that presented any concerns. Lucht met with the applicant. Huttenburg would like to see a farm crossing agreement similar to the recent farm crossing agreement used in Illinois that does not have large insurance

requirements. Ranum asked about who constructs the private crossing. Lucht stated WSOR approves and inspects the crossing and the private crossing user is responsible for having the crossing constructed. Farm crossings have no identified standards.

- o *Motion to approve the application, and seek a written agreement from the applicant. Huttenburg/Mace. Approved Unanimously.*

14. Consideration and Possible Action on Real Estate Offer Proposal for 2306 Hatchery Rd, Spring Grove, IL - Honer, Admin.

Honer presented the proposal to the Commission for review and consideration. The building being proposed for sale to the Commission has an encroachment on WRRTC property and has no legal access other than the unpermitted use of Hatchery Rd.

- o *Motion to reject the real estate proposal for 2306 Hatchery Rd, Spring Grove, IL. Mace/Kannard. Approved Unanimously.*

15. Consideration and Action on New Turn-out and industry lead, Milk Specialties, Boscobel, WI- Ken Lucht- WSOR

Lucht presented the project and stated Milk Specialties is looking to bring in new products by rail. In order to access the facility a new turnout and 190 ft of tract will need to be constructed on the corridor in order to access the private property of Milk Specialties. Mace asked for clarification about what land the improvements will be made on. Lucht clarified he is seeking approval for a turnout and 190 ft of trackage that will be within the railroad right-of-way and Milk Specialties will be constructing 350 ft of tract outside of the railroad right-of-way. Ranum asked about the investment amount for WSOR and Milk Specialties. Lucht stated that the project is about \$1M, and WSOR is covering about 20%. Huttenburg clarified that once the turnout and additional trackage within the railroad right-of-way is added to the corridor it becomes the property of the Commission. Lucht confirmed.

- o *Motion to approve the new-turnout and industry lead as presented. Kannard/Scallon. Approved Unanimously.*

16. Consideration of and action on a possible motion to adjourn to closed session pursuant to Wis. Stat. sec. 19.85(1)(g), which permits the Commission to convene in closed session for the purpose of conferring with legal counsel in rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved in, for the purpose of discussion the Office of the Commissioner of Railroads Docket #9170-RX-402 Notice of Investigation – Sweeney, Chair.

- o *Motion to adjourn to closed session. McCumber/Podzilni. Approved Unanimously. (Roll Call Below)*

Crawford	Carl Orr, <i>2nd Vice Chair</i>	X	Jefferson	Mary Roberts	<i>Absent</i>
	Mark Gilberts	X		John Kannard	X
	Tom Cornford	X		Kathy Bahner	X
				Karl Zarling, <i>Alternate</i>	<i>Excused</i>
Dane	Kevin Potter	<i>Excused</i>	Rock	Russ Podzilni	X
	Jeff Huttenburg, <i>Treasurer</i>	X		Wayne Gustina	<i>Excused</i>
				Alan Sweeney, <i>Chair</i>	X
Grant	Gary Ranum	X	Sauk	Brian Peper	X
	Mike Lieurance	X		Dave Riek, <i>2nd Vice Treasurer</i>	X
	Robert Scallon, <i>1st Vice Chair</i>	X		Marty Krueger	<i>Excused</i>
				Tim McCumber, <i>Alternate</i>	X
Green	Harvey Kubly, <i>1st Vice Treasurer</i>	<i>Excused</i>	Walworth	Al Stanek	<i>Excused</i>
	Oscar Olson	X		Richard Kuhnke, <i>2nd Vice Secretary</i>	X
	John Buol	<i>Excused</i>		Allan Polyock	X
Iowa	Charles Anderson, <i>Secretary</i>	<i>Excused</i>	Waukesha	Dick Mace	X
	Kate Reimann	X		Richard Morris	X
	Susan Storti	<i>Excused</i>		Karl Nilson, <i>3rd Vice Treasurer</i>	<i>Excused</i>

17. **Convene in closed session for the purpose stated in the preceding agenda item – Sweeney, Chair.**
18. **Reconvene in open session**
 - *Motion to reconvene in open session. Podzilni/McCumber. Passed Unanimously.*
19. **Action, if an is required to be taken in open session on closed session matter. – Sweeney, Chair.**
 - *Motion to direct Corporate Counsel to send a letter to the Office of Commissioner of Railroads regarding the consequences of the discussed crossing becoming public or becoming private. McCumber/Peper. Approved Unanimously.*
20. **Adjournment.**
 - *Motion to Adjourn at 11:32 am. Cornford/Kannard. Passed Unanimously.*