

WRRTC FEBRUARY 9, 2024 MEETING MINUTES – APPROVED 3/8/2024

Wisconsin River Rail Transit Commission Commission Meeting – Friday, February 9, 2024 at 10:00 am

1. 10:00 AM **Call to Order – Carl Orr, 2nd Vice Chair**
2. Roll Call. **Establishment of Quorum – Misty Molzof, Admin**

Crawford	Carl Orr, 2 nd Vice Chair	X	Jefferson	Mary Roberts	X
	Mark Gilberts	X		John Kannard, Vice Secretary	X
	Tom Cornford	X		VACANT	VACANT
				Jeff Smith, Alternate	X
Dane	Kevin Potter	X	Rock	Russ Podzilni	VACANT
	Jeff Huttenburg, Treasurer	X		Tom Brien	Excused
	Jim Bolitho	X		Alan Sweeney, Chair	Excused
Grant	Gary Ranum	X	Sauk	Brian Peper	X
	Mike Lieurance	X		Gaile Burchill, 2 nd Vice Treasurer	X
	Robert Scallon, 1 st Vice Chair	Excused		Marty Krueger	X
				Tim McCumber, Alternate	X
Green	Harvey Kubly, 1 st Vice Treasurer	Excused	Walworth	Al Stanek	Excused
	Todd Larson	X		Richard Kuhnke, 2 nd Vice Secretary	X
	Kurt Schafer	X		Allan Polyock	X
Iowa	Charles Anderson, Secretary	X	Waukesha	Rick Beutler, 3rd Vice Treasurer	VACANT
	Kate Reimann	X		Richard Morris	X
	Kevin Peterson	Excused		Karl Nilson	X

Commission met quorum.

Others present for all or some of the meeting:

- Misty Molzof, SWWRPC - Eileen Brownlee & Julia Potter, Attorneys - Lisa Stern & Ben Mohlke, WisDOT	- Roger Schaalma, WSOR. - Alan Anderson, Pink Lady RTC - Don Vruwink, OCR
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3. Action Item. **Certification of Meeting's Public Notice – Noticed by Molzof.**
 - Motion to approve meeting's public notice – Cornford/Lieurance. Passed Unanimously.
4. Action Item. **Approval of Agenda – Prepared by Molzof.**
 - Motion to approve the agenda. Ranum/Morris. – Passed Unanimously.
5. Action Item. **Approval of draft January 12, 2024 Meeting Minutes – Prepared by Molzof.**
 - Motion to approve the January 12, 2024 meeting minutes as presented. Cornford/Kannard. Passed Unanimously.
6. Updates. **Public Comment – Time for public comment may be limited by the Chair.** None.

7. Updates. **Announcements by Commissioners**

Burchill stated that train photographer O. Winston Link's agent passed away, and she is in receipt of many items including photos, calendars, videos, and more; if anyone is interested, please reach out.

REPORTS & COMMISSION BUSINESS

8. **WRRTC Financial Report – Huttenburg, Treasurer**
 - Motion to approve the Treasurer's Report and pay the following bills: \$30 to Richgels Schaeffer Insurance for Treasurer Bond Insurance, \$1,650 to Richard Shure for site inspection Dane County portion of Walking Iron Trail, and \$90,000 to be transferred to the Local Government Investment Pool for County Contributions deposited into BMO Harris. Anderson/Gilberts. Passed Unanimously.

9. **Wisconsin & Southern Railroad's Report on Operations – Schaalma, WSOR**

Schaalma reported that the Merrimac Bridge is the only project with activity at this time, with a full construction season in 2024, the bridge should be substantially complete by the end of 2024; Bridge #363, south of Baraboo, project is awaiting kick-off; phase 2 Reedsburg sub grant is being finalized with WisDOT; engineering work on 3 other bridges is in process; Fox Lake Sub tie and surface project should be finished this year; there will be a power switch replacement in Madison; there are 9 state highway grade crossings planned; the recent tornados affected some rail; this is the 1st year where tie and surfacing has occurred all 12 months due to the weather; and 20-25,000 ties are likely to be replaced in 2024.

10. WisDOT Report – Mohlke - WisDOT.

Janesville bridges MOU is still in process; WisDOT is looking for thoughts on a ribbon cutting at the Merrimac Bridge in August or September, 2024; WisDOT and WSOR are coordinating next steps on the Baraboo bridge regarding the sewer line installed no WRRTC infrastructure; WisDOT received one FRAP application from the City of Shawano; and WisDOT has been corresponding with WRRTC Administrator and Attorney in regards to the required audit and financial statements.

11. Permits / Applications for approval.

- *Motion to approve utility permits as listed below contingent upon WSOR approval. Polyock/Peper. Passed Unanimously.*
 - a) Utility Permit: Spectrum Mid-America, LLC, Telephone/Communication Computer Tracked Directional Bore, City of Fitchburg, Dane Co., until 3/31/2024
 - b) Utility Permit: Commonwealth Edison Company, Overhead Electric Transverse, Install Transformer and Replace Pole, City of Richmond, IL, McHenry Co.

12. Discuss and Possible Action on Undocumented Private Rail Crossings – WSOR or Attorney Brownlee

- *Motion to table this item until the March, 2024 meeting. Krueger/Richards. Passed Unanimously.*

Schaalma stated that there are a lot of crossings out there, and there are a lot of resources to get them under agreement; however, WSOR wants guidance as to whether or not they want to manage them, or want WSOR to manage them. Attorney Brownlee stated it needs to be determined whether or not they are a farm crossing or private crossing; WSOR and WRRTC disagree on “farm crossing” permit requirements; the growth of residential in historically agricultural areas is making this a larger issue than in the past; a systematic approach is beneficial; communication with other government entities (municipalities, counties, etc.) regarding the rail corridor, and especially that it is not part of the highway right-of-way is advised; some municipalities don’t even realize that rail crossing requires separate permission when they grant driveway permits; and finally since the WSOR is aware of the crossings, they should initiate contact.

13. Discuss and Possible action on Net Liquidation Valuation Proposal, Walking Iron Trail, Dane County, WI as recommended by Trail Committee – Sweeney

Huttenburg reported that the Trail Committee is in discussion with Dane County in regards to the best way to proceed; does the Commission want to handle it, or let Dane County. A sample agreement is in Dane County’s hands, and the Committee is awaiting a response for next steps. More information in the coming months will be provided.

14. Conserve FS, Zenda – Polyock

Polyock stated that that there is a fertilizer storage building on the Fox Lake Sub that is in terrible shape and there are issues with standing water. They are proposing to take the siding out and reshape the area to get rid of the standing water. Schaalma stated that WSOR is open to it; however, will need to understand it and look at it in more detail before allowing group to proceed.

15. Walking Iron Trail Interim Agreement – WisDOT / Attorney

Starn stated that this is complete and was submitted to STB on 1/25/2024.

16. Aurora Street Crossing, Middleton - Attorney

Brownlee stated that the OCR issued a decision determining Aurora Street to be a private crossing, and the City of Middleton filed an appeal last week.

17. Approve Consideration of and action on 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, for the purpose of discussing the unauthorized use of Commission-owned property, Agenda Item #16. – Sweeney, Chair.

- *Motion to adjourn to closed session. Huttenburg/Morris. Upon roll call vote, motion passed unanimously.*

18. Convene in closed session for the purpose stated in the preceding agenda item – Sweeney, Chair.

Commission convened into closed session at approximately 11:05 am.

19. Reconvene in open session – Sweeney, Chair.

Commission reconvened into open session at approximately 11:25 am.

20. Possible action on closed session matter.

- *Motion to support WSOR and for legal counsel to confer with WSOR as discussed in closed session. Huttenburg/Peper. Passed Unanimously.*

21. Adjournment.

- *Motion to Adjourn at 11:26. Cornford/Gilberts. Passed Unanimously.*