

# WRRTC MAY 10, 2024 MEETING MINUTES – APPROVED 06/07/2024

## Wisconsin River Rail Transit Commission Commission Meeting – Friday, May 10, 2024 at 10:00 am

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

|          |                                                    |         |           |                                                      |         |
|----------|----------------------------------------------------|---------|-----------|------------------------------------------------------|---------|
| Crawford | Carl Orr, <i>1<sup>st</sup> Vice Chair</i>         | X       | Jefferson | Mary Roberts                                         | X       |
|          | Mark Gilberts                                      | X       |           | John Kannard, <i>Vice Secretary</i>                  | X       |
|          | Tom Cornford                                       | X       |           | Jeff Smith                                           | X       |
|          |                                                    |         |           | Dan Herbst, <i>Alternate</i>                         |         |
| Dane     | Kevin Potter                                       | X       | Rock      | Dave Homan, <i>2<sup>nd</sup> Vice Treasurer</i>     | X       |
|          | Jeff Huttenburg, <i>Treasurer</i>                  | Excused |           | Tom Brien                                            | X       |
|          | Jim Bolitho                                        | X       |           | Kevin Stone                                          | Excused |
| Grant    | Gary Ranum                                         | X       | Sauk      | Brian Peper                                          | X       |
|          | Mike Lieurance                                     | X       |           | Gaile Burchill                                       | X       |
|          | Robert Scallon, <i>2<sup>nd</sup> Vice Chair</i>   | X       |           | Marty Krueger, <i>Chair</i>                          | X       |
|          |                                                    |         |           | Tim McCumber, <i>Alternate</i>                       |         |
| Green    | Harvey Kubly, <i>1<sup>st</sup> Vice Treasurer</i> | X       | Walworth  | Al Stanek                                            | Excused |
|          | Larry Kranig                                       | X       |           | Richard Kuhnke, <i>2<sup>nd</sup> Vice Secretary</i> | X       |
|          | Russ Torkelson                                     | Excused |           | Allan Polyock                                        | X       |
| Iowa     | Charles Anderson, <i>Secretary</i>                 | X       | Waukesha  | Rick Beutler, <i>3<sup>rd</sup> Vice Treasurer</i>   | Excused |
|          | Kate Reimann                                       | X       |           | Richard Morris                                       | X       |
|          | Kevin Peterson                                     | Excused |           | Karl Nilson                                          | Excused |

Commission met quorum.

### Others present for all or some of the meeting:

|                                                                                                                                                                                                                |                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Misty Molzof, SWWRPC</li> <li>Eileen Brownlee &amp; Julia Potter, Boardman &amp; Clark</li> <li>Lisa Stern &amp; Ben Mohlke, WisDOT</li> <li>Ken Lucht, WSOR</li> </ul> | <ul style="list-style-type: none"> <li>Michelle Brokaw, WisDOT</li> <li>Alan Anderson, Pink Lady RTC</li> <li>Don Vruwink, OCR</li> </ul> |
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3. Action Item. **Certification of Meeting's Public Notice – Noticed by Molzof.**
  - Motion to approve meeting's public notice – Kuhnke/Scallon. Passed Unanimously.
4. Action Item. **Approval of Agenda – Prepared by Molzof.**
  - Motion to approve the agenda. Kuhnke/Scallon. Passed Unanimously.
5. Action Item. **Approval of draft April 5, 2024 Meeting Minutes – Prepared by Molzof.**
  - Motion to approve the April 5, 2024 meeting minutes as presented. Kuhnke/Orr. Passed Unanimously.
6. Action Item. **Commissioner Appointments – Prepared by Molzof.**
  - Chair. Motion to nominate Marty Krueger as Chair. Scallon/Reimann. Passed Unanimously
  - Chair. Motion to close nominations for Chair and cast a unanimous ballot. Scallon/Reimann. Passed Unanimously
  - Other Officers. Motion to nominate Carl Orr as 1<sup>st</sup> Vice Chair, Robert Scallon as 2<sup>nd</sup> Vice Chair, Jeff Huttenburg as Treasurer, Harvey Kubly as 1<sup>st</sup> Vice Treasurer, Dave Homan as 2<sup>nd</sup> Vice Treasurer, Rick Beutler as 3<sup>rd</sup> Vice Treasurer, Charles Anderson as Secretary, John Kannard as Vice Secretary, and Richard Kuhnke as 2<sup>nd</sup> Vice Secretary. Cornford/Reimann. Passed Unanimously
  - Other Officers. Motion to close nominations for all other officers and cast a unanimous ballot. Polyock/Peper. Passed Unanimously
  - Litigation Committee. Motion to reappoint Krueger, Huttenburg, Scallon, Anderson, and Orr to litigation committee. Passed Unanimously.
  - Trail Committee. Motion to appoint Krueger, Lieurance, Anderson, Huttenburg, and Homan to trail committee. Passed Unanimously.
7. Updates. **Public Comment – Time for public comment may be limited by the Chair.**

None.

**8. Updates. Announcements by Commissioners**

Bolitho asked Commission to consider placing a meeting date change for the July meeting on the June agenda due to the 4<sup>th</sup> of July holiday.

**REPORTS & COMMISSION BUSINESS**

**9. WRRTC Financial Report – Molzof, Admin**

- *Motion to approve the March, 2024 Treasurer's Report. Morris/Anderson. Passed Unanimously.*

**10. Wisconsin & Southern Railroad's Report on Operations – Lucht, WSOR**

Lucht stated that the grant agreement for the Reedsburg sub has been signed and is in DOT's hands; bid documents are being prepared; the 1<sup>st</sup> letter regarding undocumented/unpermitted crossings on the Waukesha Sub has gone out to Pebble Creek Flyers, and they are working through the process; WSOR has taken 2 pieces of rail out just shy of mile marker 4.72 and no longer needs right-of-way access to mile markers 4.72 to 7.97 on the Sauk Sub as the rail has been banked and it will be converted to trail and therefore have no more obligations to this section of the rail right-of-way; WSOR recommends bidders are required to wear PPE and be authorized through an agreement before accessing this area for the commission's protection.

**11. WisDOT Report – Mohlke - WisDOT.**

Mohlke reported that updated pictures of the Merrimac bridge were distributed prior to the meeting, and there are 2 spans left to set that will be done yet this year; there is an action item on the Janesville Bridge MOU later in this meeting; Stern may be able to provide an update on Baraboo later; funding has been received and Borealis will be starting additional daily round trips on May 21<sup>st</sup>; and Ranum requested a map of the Janesville Bridges that Mohlke will provide to Molzof for distribution.

**12. Committee Updates / Recommendations – Trail Committee**

- *Motion to authorize a contract with Richard Shure for review of the WIT Rail Infrastructure Removal Bid Package in an amount not to exceed \$350.00. Orr/Kanard. Passed Unanimously.*

Bolitho stated that the bid package has been put together and forwarded to Molzof for attorney review and it should be ready for the June 6<sup>th</sup> Commission meeting.

*Litigation Committee*

Molzof stated that we received an open records request and it has been forwarded on to all commissioners for compliance. Lucht stated that WSOR is asking that the Commission take a role in this matter since the bridge is owned by the Commission and WSOR and WisDOT have entered into a joint litigation agreement. Stern stated that WisDOT understands the Commission's stance; however, the Commission is likely going to have to provide something formal in the future. Potter stated that it can be revisited anytime and the litigation committee can work towards getting WisDOT and WSOR whatever they need.

**13. Attorney Updates / Report**

Attorney Brownlee stated that there are operating agreements, grant agreements, leases, land use agreements, and addendums all in place that govern the relationships between the partnerships and determine ownership of what. The corridor was not all acquired in one full swoop; therefore, there are many agreements in place. In general, Wis DOT owns the majority of the land and right-of-way in Wisconsin with a few exceptions, the Commission owns the land in IL, and everything on it, including the rail, ties, bridges, etc., and the agreements spell out who is responsible for what. For many years, the commission struggled to find an operator who did not go bankrupt, and there have been several who did since the commissions were created about 40 years ago. The partnership with WSOR has been successful since the 1990's and while the agreements may need to be reviewed and revised in full, there have been many amendments and addendums over the years, and it has worked for a long time.

**14. Permits / Applications**

None

**15. Undocumented Private Rail Crossings Final Notice**

A copy of the 2<sup>nd</sup> notice was included in the packet for commission review and comments.

**16. Janesville Bridge Project MOU**

- *Motion to approve MOU as presented realizing that one of the contribution amounts for PRTC may need to be changed before agreement is finalized. Orr/Morris. Passed Unanimously.*

**17. Adjournment.**

- *Motion to Adjourn at 11:20 am. Cornford/Scallon. Passed Unanimously.*