

WRRTC MARCH 10, 2023 MEETING MINUTES – Approved 4/7/2023

**Wisconsin River Rail Transit Commission
Commission Meeting – Friday, March 10, 2023 at 10:00 am
Held Virtual by Zoom Link:**

<https://us06web.zoom.us/j/86973488733?pwd=UUNvVGRKalAxbG50ajhTaVU4Mmg3UT09>

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

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

Commission met quorum.

Others present for all or some of the meeting:

<ul style="list-style-type: none"> • Misty Molzof, <i>SWWRPC</i> • Lisa Stern, Rich Kedzior, Teri Beckman, Kim Tollers, <i>WisDOT</i> • Ken Lucht, <i>WSOR</i> • Eileen Brownlee, Boardman & Clark 	<ul style="list-style-type: none"> • Brigit Brown, <i>Wis DNR</i> • Chris James, <i>Dane County Parks</i> • Brenda Zweifel • Keith Rithamel
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3. Action Item. **Certification of Meeting’s Public Notice – Noticed by Molzof.**
 - *Motion to approve meeting’s public notice – Scallon/Brien. Passed Unanimously.*
4. Action Item. **Approval of Amended Agenda – Prepared by Molzof.**
 - *Motion to approve the agenda. Nilson/Kubly. – Passed Unanimously.*
5. Action Item. **Approval of draft February 10 Meeting Minutes – Prepared by Molzof.**
 - *Motion to approve the February 10 minutes with minor editorial corrections. Mace/Huttenburg. Passed Unanimously.*
6. Updates. **Public Comment – Time for public comment may be limited by the Chair.**
None.
7. Updates. **Announcements by Commissioners**
Larson asked for paper copies to be mailed out earlier in the future.

REPORTS & COMMISSION BUSINESS

8. **Items for Discussion and possible action with Legal Counsel Present – Boardman & Clark**
 - Motion to create committee with purpose of consultation with legal counsel on litigation. Peper/Anderson.
 - Motion to amend original motion to read create an ad-hoc committee with purpose of legal consultation with legal counsel on litigation made up of WRRTC Chair, Vice-Chair, Secretary, Treasurer, and 2nd Vice-Chair. Larson/Mace. Passed with Nilson opposing.

Discussion was held pertaining to the organizational structure, the committee role, and whether or not it should be titled “ad-hoc”. Brownlee stated that committee meetings will need to be posted pursuant to Wis. Statutes and will be formal meetings where discussion topics may be eligible for closed session pursuant to Wis. Stats.

- The original motion as amended passed unanimously.

9. WRRTC Financial Report – Huttenburg, Treasurer

Disbursements in January were: SWWRPC, Quarter 4, 2022 Planning in the amount of \$7,625.00, and Boardman & Clark for October 2022 legal services in the amount of \$189.00. January interest income was \$3,776.85. March bills for approval are Boardman & Clark, November 2022 through January 4, 2023 services in the amount of \$1,159.00.

- o *Motion to approve the Treasurer's Report and payment of bills. Anderson/Nilson. Passed Unanimously.*

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

Lucht stated that WSOR has been working on monthly maintenance gearing up for state rehab, which includes brush cutting, tree trimming, and weed control system wide. The Merrimac Bridge capital project is underway with Michels under contract and mobilizing, fabricators are off-site working on material completion, underwater work will begin after June 15th spawn season, with estimated completion 6 months sooner than originally anticipated. There has been a substantial invoice received, and WRRTC should be receiving invoices soon. The 2022/2023 production totals and summary plan should be ready for distribution within the next couple of weeks. WSOR has been extremely aggressive with tracks and structures maintaining Class II level infrastructure, and the priority is to have all corridors at Class II. United Coop in Boscobel is moving forward with their investments, Claussen Chocolates in Milton is making a large investment, site selection for an Agronomy Center is underway and will likely be in WRRTC territory. There was an economic development study done in 2014 that needs an update, 3 at-grade crossings were removed in Elgin, IL and freight cars were moved onto the siding at the Poppenhagen property to prevent further trespassing, there is another trespassing issue in Oregon with 3 businesses using the rail right-of-way. We are currently without a Commissioner of Railroads as the former commissioners' term ended, and the position has not been filled. In reference to the recent train incidents, Lucht assured Commissioners that WSOR does abide by strict standards of the federal and state governments, inspect all trains, and cars individually at the interchange points, all employees go through training and recertification every year, 99.9% of all hazardous shipments reach their destination without incident, less than 3% of WSOR are hazmat. WSOR has been working with local emergency responders for training, and goes a step above requirements for safety. There will be no tie work in Reedsburg this year, Lucht will send Stern the 2023 railroad work plan, and more information can be found in the WI Rail Plan.

11. WisDOT Report – Stern - WisDOT.

Stern reported the mussel survey at Merrimac has been approved, and an access permit for Boscobel has been signed.

12. Wisconsin Rail Plan 2050 Update – Stern - WisDOT.

Stern stated that the 2050 WisDOT Plan is available for viewing with the new plan set to be published at the end of April, and ask that Commissioners review the plan and make comments.

13. Walking Iron – Interim Trail Use Concurrence / Agreements / STB – Stern – WisDOT, Krueger

Stern reported WATCO, DOT, and the DNR have all approved the notice of interim trail use, we will need to remove those rail miles from the agreement which will remove commission responsibility of maintenance as the DNR is responsible for the trail. Brigit Brown, DNR, stated that there has been 20+ years of collective work and is pleased to see the great benefit to trail users of all kinds come to fruition. DNR Secretary Adam Payne signed the necessary paperwork on February 28, 2023. Lucht stated that it is important to note that this agreement is for temporary use of the rail as this line has become less important. South of this area is active, and currently there is no demand for rail north of Milepost 4.72. We do want to continue to keep as much trail as we can for current and future use and preserve it for when there is a need. Chris James, Dane County Land and Water Resources Department, stated that the "Walking Iron Trail" goal is to get all the way to Mazomanie; however, there is a number of environmentally restricted lands that will make it challenging. Krueger thanked everyone for their time and attention, the Village of Sauk City approved a grant application for a \$5 million TAP grant to help get the bridge constructed to AREMA standards for refitting to rail if necessary.

- o *Motion to allow amendment of agreements to remove subject mileage 7.96 miles from Sauk City Bridge to milepost 4.72 and to support the Village of Sauk City grant application for the bridge – Krueger/Larson. Passed Unanimously.*

14. WRRTC Correspondence/Communications and Administrator's Report – Molzof, Admin.

Molzof stated that she recently met with a property owner near the Village of Oregon who owns property in the Township and is separated from the Village by the Rail. In the next year or so, he is thinking about annexing and developing, and may be coming back to the Commission to request the Commission annex the Rail line into the Village so that he can make the connection. This is informational only at this time and more to come as plans progress. Molzof has been working with members of the Commission on various tasks, for example the private rail crossing applications, MOU's, and permits, and recently met with Ken Lucht as an introductory to the partnership.

15. Private Rail Crossing Permit Applications

- o Keith Rithamel, Parcel #AS 1200005, Walworth County
- o Greg Russell, 55683 Cedar Lane, Prairie du Chien, WI Crawford County

Discussion was held as to farm crossings versus private crossings and the intended use of each of the requests. Molzof was directed to advise Russell of incomplete application and maps, and ask for submission before the next meeting.

- o Motion to approve rail crossing permits for Rithamel and Russell. Nilson/Kannard.
- o Motion to amend original motion to approve Rithamel application, and postpone Russell permit until application is complete and maps are made available by Russell. Larson/Mace. Passed Unanimously.
- o The original motion as amended was approved unanimously.

16. Adjournment.

- o *Motion to Adjourn at 12:05 pm. Cornford/Kubly. Passed Unanimously.*