

**WRRTC JULY 2021 MEETING MINUTES – APPROVED**

**Wisconsin River Rail Transit Commission  
Commission Meeting – Friday, July 9<sup>th</sup>, 2021 at 10:00 am  
Jefferson County Highway Department,  
1425 S Wisconsin Drive, Jefferson, WI  
and via Zoom**

1. 10:01 AM            **Call to Order – Alan Sweeney, Chair**
2. Roll Call.            **Establishment of Quorum – Matt Honer, Admin**

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

\* Indicates ZOOM attendance.

Commission met quorum.

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

|  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• Ken Lucht, Roger Schaalma – <i>WSOR</i></li> <li>• Jaynellen Holloway, Andrew Beyer – <i>City of Watertown</i></li> </ul> | <ul style="list-style-type: none"> <li>• Lisa Stern, Josh Cotter, Jen Murray – <i>WisDOT</i></li> <li>• Alan Anderson – <i>Pink Lady RTC</i></li> </ul> |
|--|---|

3. Action Item.            **Certification of Meeting’s Public Notice – Noticed by Honer.**
  - *Motion to approve meeting’s public notice – Cornford/Morris. Passed Unanimously.*
4. Action Item.            **Approval of Amended Agenda – Prepared by Honer.**
  - *Motion to approve the amended agenda. Podzilni/Kannard. – Passed Unanimously.*
5. Action Item.            **Approval of draft June 2021 Meeting Minutes – Prepared by Honer.**
  - *Motion to approve the draft June 2021 meeting minutes with minor clarifications and modifications. Mace/Gustina. Passed Unanimously.*
6. Updates.                **Public Comment – Time for public comment may be limited by the Chair.**  
No Public Comment.
7. Updates.                **Announcements by Commissioners**  
No Announcement by Commissioners.

**REPORTS & COMMISSION BUSINESS**

8.            **Presentation on Watertown Subdivision Stormwater Issues – Joshua Cotter- Railroad Engineer, WisDOT**  
Cotter presented on the stormwater issues of the Watertown subdivision. The issue exists in the City of Watertown where increased development has resulted in the flooding and silting of the corridor. Jaynellen Holloway, engineer for the City of Watertown discussed the measures that the City of Watertown will be undertaking. It was discussed that WSOR, WisDOT, and the City of Watertown will be taking an incremental approach to addressing the flooding and silting of the railroad corridor.
9.            **Discussion and Possible Action on WRRTC Insurance Policy – Honer, Admin.**  
Honer gave a background on the process to update the insurance policy and stated he is asking the Commission to approve the policy as presented as well as determine if they would like to add terrorism coverage to the policy.

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- *Motion to deny terrorism coverage policy. Nilson/Kannard. Passed. Anderson Opposed.*
- *Motion to approve renewing the WRRTC Insurance Policy as presented. Nilson/Anderson.*
- *Motion to Amend previous motion to research if the Commission is included as a landowner within the policy. Anderson/Mace. Passed Unanimously.*
- *Motion to approve the motion as amended. Passed Unanimously.*

### 10. WRRTC Financial Report – Huttenburg, Treasurer.

Huttenburg reported on the two bills for payment and the revenue and expense report.

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

### 11. Wisconsin & Southern Railroad's Report on Operations – Ken Lucht, Roger Schaalma – WSOR

Lucht reported the trespass law was not included in the budget and he does not expect it to move forward. Lucht reported Gov. Evers had a proposal for local communities to have eminent domain for no motorized vehicles which was also not included in the budget and railroad personal property tax was not included in the state budget. WSOR is planning to build a new locomotive shop in Janesville. The current shop is over 150 years old and is in poor condition and not adequate for modern needs. The existing roundhouse will be repurposed. WSOR has a design for the new shop that Watco used previously and are very happy with. The City of Janesville is in favor of the proposal. The proposed land for the new shop is owned by WisDOT, so WSOR will likely be coming to the Commission and WisDOT to discuss a purchase of WisDOT land.

Lucht reported on a trespassing issue on the Cottage Grove Subdivision, where people are taking a shortcut between the capital city bike path and the residential area. WSOR will be installing no trespassing measures in the location. McCumber thanked WSOR for their work in the town of Merrimac reporting a fire.

Schaalma reported a contractor is on site for the Reedsburg phase 1 project. WSOR awarded contracts for 10 grade crossings on the Reedsburg Sub. and WSOR is seeking to award ballast work on the Reedsburg Sub. Waukesha Sub. CWR should be received in July and a bid is out to install the rail. Lunda (contractor) is working on bridge A-494 (Fox Lake Sub.). Two of 9 bridges projects have been awarded to contractors on the Prairie Sub. The remaining seven (culverts) will be advertised in the near future. Merrimac Phase 3 is still working through funding agreements. Tie Installation will take place in July on the Madison Sub. Clayton Rd in Fitchburg is officially closed. Bridge inspections are ongoing. The geometry car is scheduled for early August.

Anderson asked about the accident in Bagley, Lucht stated it was a BNSF train. Orr added that it was the result of trespassing. Mace asked if the recent DNR acquisition of land near Devils Lake will assist with issues of trespass. There was no indication that the addition of land will assist with issues of Trespass.

### 12. WisDOT Report – Lisa Stern, Todd, Jen. - WisDOT.

Stern stated the approved budget includes \$20M in the FRPP budget, same as prior budget. The Merrimac Bridge is still in conversations with the FRA to finalize the details of the funding agreement. Jen Murray introduced herself to the Commission.

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

Honer provided an update and requested additional information from the Commissioners on in-person meeting locations as the Dane County Highway Garage is not available in August. Honer stated the Commission will be returning to holding in-person meetings. Ranum asked if it is possible to have a Zoom contingency option on the notice. Honer stated he will follow up and make sure the Commission is following open meetings laws in a way that allows notice for change from in-person to zoom meetings.

### 14. Discussion and Action on Staff Services Agreement with Southwestern Wisconsin Regional Planning Commission – Honer, Admin.

Anderson asked about the budgeted vs cost of accounting. Honer stated that SWWRPC's proposed contract amount did not increase the contracted management amount but did add the additional costs of accounting, which is less than what had been budgeted in the past.

- *Motion to approve 2022 Staff Services agreement with Southwestern Wisconsin Regional Planning Commission. Storti/Huttenburg. Passed Unanimously.*

### 15. Discussion and Possible Action on 2022 Budget – Huttenburg, Treasurer and Honer, Admin.

- *Motion to approve the 2022 Option C Budget. Huttenburg/Kannard.*

Storti stated she is not in favor of option C because WSOR pays the real estate taxes. Huttenburg stated the he is in favor of the balanced budget and he is in favor of WSOR covering the administrative costs because it looks better to the Counties that their money is going 100% to projects. Huttenburg also stated he believes it is wash in both situations of changing the lease vs changing the capital expenditure and he believes it looks better to have all administrative expenses paid by WSOR because they will receive more in grants. Huttenburg added that WSOR pays the real estate taxes in Illinois regardless.

Lucht stated that it is not necessarily a wash because there are administrative costs that are not necessarily directly related to the operation of the railroad. Lucht stated that legal expenses have increased substantially since 2014. Krueger questioned why we are paying for two attorneys and he agrees it would be good to have a clean distinction between the administrative costs and capital costs. Mace asked why the Commission has two

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attorneys. Honer clarified that the Commission does not pay both attorneys for the same work. Honer and all expenses of the Commission benefit the operation of the railroad, there is no administrative or legal cost that does not benefit all parties - WRRTC, WisDOT, and WSOR. Honer stated that specifically the Commission's legal counsels are a resource that all parties benefit from.

Lucht stated the East Wisconsin Consortium RTC pays approximately \$1500/yr in legal fees. Stern stated the East Wisconsin Consortium does not have the same responsibilities as the WRRTC. Polyock stated he has received some push back from the County and would like to see all of the County's contribution go towards the capital projects. Lucht stated he agrees with the distinction between administrative and capital costs but does not believe WSOR should have a 25% increase in its lease because of the increase of legal costs. Honer stated budgeted legal costs can be lowered and pointed out that the majority of issues have come from private crossing agreement issues. Sweeney asked Polyock if the Hillside Rd. bridge is expected to be a significant legal issue. Polyock stated he does not expect it to be a major issue.

- *Motion to postpone. Krueger/Podzilni. Passed Unanimously.*

### **16. Consideration and Action for a letter of support and capital funding of Janesville Bridge project in support of WisDOT RAISE Grant Application- Stern, WisDOT.**

Stern stated the project is similar to what was being proposed in the INFRA grant the Commission submitted a letter of support for and was not awarded to WisDOT. Stern stated the scope has changed somewhat but the new proposal would have WisDOT, WRRTC, and WSOR having more control over the structure as opposed to what was originally proposed.

- *Motion to approve letter of support and capital funding of \$370,745. Mace/Kuhnke. Passed Unanimously.*

### **17. Adjournment.**

- *Motion to Adjourn at 12:17 am – Cornford/Kannard. Passed Unanimously.*