

WRRTC NOVEMBER 2021 MEETING MINUTES – DRAFT FOR APPROVAL

**Wisconsin River Rail Transit Commission
Commission Meeting – Friday, October 8th, 2021 at 10:00 am
Waunakee Public Library, Waunakee, WI**

1. 10:04 AM **Call to Order** – Alan Sweeney, Chair
2. Roll Call. **Establishment of Quorum** – Matt Honer, Admin

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

Commission met quorum.

Others present for all or some of the meeting:

<ul style="list-style-type: none"> • Ken Lucht – WSOR • Eileen Brownlee – Boardman Clark 	<ul style="list-style-type: none"> • Sue Nast, Lisa Stern – 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 – Nilson/Morris. Passed Unanimously.
4. Action Item. **Approval of Agenda** – Prepared by Honer.
 - o Motion to approve the agenda. Nilson/Gustina. – Passed Unanimously.
5. Action Item. **Approval of draft October 2021 Meeting Minutes** – Prepared by Honer.
 - o Motion to approve the October 2021 meeting minutes. Mace/Podzilni. Passed Unanimously.
6. Updates. **Public Comment** – Time for public comment may be limited by the Chair.

7. Updates. **Announcements by Commissioners**

Sweeney thanked Scallon for chairing the last meeting. Mace stated the City of Brookfield moved the old depot off the CN line and it will be utilized as a trailhead for the City’s trail system and a coffee shop.

REPORTS & COMMISSION BUSINESS

8. WRRTC Financial Report – Huttenburg, Treasurer

Huttenburg reported on the Commission’s cash flow statement, disbursements, and receipts. There were no bills for approval and the only income was the interest.

- o Motion to approve the Treasurer’s Report. Nilson/Anderson. Passed Unanimously.

9. Wisconsin & Southern Railroad’s Report on Operations – Ken Lucht, Roger Schaalma – WSOR

Lucht stated all rehab projects have concluded for the season. A bridge in Crawford, near Walmart in Prairie du Chien, was completed. WSOR is finishing up surfacing on the Waukesha Sub. and expects surfacing to be completed in the next couple of weeks, this will complete the Continuous Welded Rail (CWR) project on the Waukesha Sub. The Federal Rail Administration (FRA) and WisDOT are finalizing the Phase 3 Merrimac Bridge Grant Agreement and schedules, expecting it to be ready in early 2022. Podzilni and Huttenburg took a high-rail trip to evaluate private crossings on the Waukesha Sub. Lucht stated the Omdoll crossing looks to be improved despite not having a private crossing agreement. Lucht also noted there are redundant crossings which are likely candidates for removal. Mace asked about the crossings in Eagle to be closed. Lucht stated there was one

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closing, Railroad St., which was partially closed but remains open for equestrian crossing. Podzilni thanked Lucht for including him on the high-rail inspection of crossings.

10. WisDOT Report – Stern - WisDOT.

The WisDOT freight rail conference is next week, online. Stern stated WisDOT is working on a CRISI grant for the Janesville bridges. Stern stated that WisDOT is doing a study of pedestrian and bicycle crossings in Wauwatosa. Stern stated that because of congressional issues with the federal budget, FRA was asked to not encumber additional funds, so there is a delay until December 7th, causing a delay in the Merrimac Bridge project. Stern stated WisDOT will be working on submitting a new construction schedule to submit to FRA due to the FRA's delay in releasing the funds.

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

The bridge sale in the Town of Linn, Walworth County was recorded and is no longer owned by the Commission. Honer stated there are a few private crossing applications in the works as well as an agreement between WisDOT, WSOR, and the Commission

12. Discussion and Action on Property Sale in Edgerton, WI – Stern, WisDOT.

WisDOT is now proposing to sell the property under the building and the area outside of the vision triangle and not underneath the building. Stern stated that WisDOT is looking for a motion from the Commission regarding its interest in buying the property. Stern stated the property owner may still look for an offer-to-use on the area within the vision triangle and outside of 33'. Brownlee stated that because this is outside of 33' the Commission's only action is to purchase the property or to not purchase the property.

- *Motion to purchase the property under the building and the property not under the building outside of the vision triangle. Nilson/Storti.*

Huttenburg suggested there should be a fence installed along the vision triangle and require the purchaser install the fence prior to the property being sold. Reiman asked for a clarification on the amount. WisDOT stated the cost is \$11,500. Anderson asked what the Commission will do with the property underneath the building. Ranum said he is not in favor of purchasing the property because it would come with all of the problems that WisDOT currently has with the property. Huttenburg asked if there are any agreements regarding the building, Stern stated there is an offer-to-use agreement. Nilson stated that it is better to control the land. Huttenburg asked how the Commission would purchase it. Nilson stated that each county could chip in \$12k. Honer stated that in the past he has received questions about why the Commission is using county contributions for a reason other than improving the railroad corridor. McCumber stated he sees no value in the Commission owning this property.

Brownlee stated that anytime a public entity buys something it must be for a public purpose so it would make sense to identify the public purpose. Brownlee asked Lucht if WSOR is willing to purchase the property from the Commission. Lucht stated WSOR is willing to work with the Commission.

Kannard asked about the previous breakout and the possible change of land size. Stern stated the land will be surveyed and sold for \$3 sq/ft. Gustina stated it is in the Commission's favor to purchase the property and the Commission can always sell the property under the building in the future. Lucht does not see the Commission incurring any problems as the property is currently under an OTUA which will transfer to the Commission, and WSOR will prevent trespass going forward. Lucht believes that selling the property to 3rd party is not preservation of the rail corridor. Mace asked if it is a national register building, Podzilni stated he believes it could be. Lisa stated that the building has been on railroad property for a hundred years, which shows that the land is not needed to preserve rail operations.

Potter stated there appears to be no issue with selling the property under the building and asked if WisDOT would consider not selling the property outside of the vision triangle. Stern stated it is an option. Bahner stated that the vision triangle opposite side of the tracks does not have much a vision triangle and there are much closer encroachments. Stern stated the crossing is adequately protected with gates and lights, but it is valid to preserve as much of the vision triangle as possible. Mace asked Nilson why the Commission would want to own the property under the building. Nilson responded that the Commission controls what happens on the land. Stern stated the Commission would inherit the OTUA. Mace asked what WSOR would use the area outside of the Vision triangle for. Lucht stated WSOR believes the Vision triangle is larger than what is portrayed and it should be maintained for railroad safety. Stern stated that she can confirm as engineer that what is being shown is the vision triangle.

Storti asked for clarification on what is for sale and what the estimate on the property is. Stern clarified what is for sale, the property underneath the building and the area of land outside of the vision triangle. Sweeney asked if the Commission has the money to purchase the property for sale. Huttenburg confirmed. Huttenburg asked if WisDOT would require a fence if they sell it.

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- o *Motion to amend the original motion to specify that the money comes from the 2021 capital contribution money, if the Commission purchases the property.*

Ranum asked if the money is already designated to match a grant. Honer confirmed that it is. Morris asked if the money taken from the 2021 contribution would influence our commitments to our commitments to matching grants. Honer stated the Commission will not be billed for several years for the project that it is designated for, so the Commission can meet those obligations in its next budget.

- o *Motion to call the question. Huttenburg/Sweeney. Passed Unanimously.*
- o *Motion to amend the original motion to specify that the money comes from the 2021 capital contribution money, if the Commission purchases the property. Krueger/McCumber. Motion Fails on Roll Call Vote.*

Crawford	Carl Orr, 2 nd Vice Chair	Excused	Jefferson	Mary Roberts	No
	Mark Gilberts	No		John Kannard	No
	Tom Cornford	Excused		Kathy Bahner	No
Dane	Kevin Potter	No	Rock	Karl Zarling, Alternate	Absent
	Jeff Huttenburg, Treasurer	No		Russ Podzilni	No
				Wayne Gustina	No
Grant	Gary Ranum	No	Sauk	Alan Sweeney, Chair	No
	Mike Lieurance	No		Brian Peper	Excused
	Robert Scallon, 1 st Vice Chair	No		Dave Riek, 2 nd Vice Treasurer	No
				Marty Krueger	Yes
Green	Harvey Kubly, 1 st Vice Treasurer	Excused	Walworth	Tim McCumber, Alternate	Yes
	Oscar Olson	No		Al Stanek	Absent
	John Buol	Excused		Richard Kuhnke, 2 nd Vice Secretary	Excused
Iowa	Charles Anderson, Secretary	Yes	Waukesha	Allan Polyock	Absent
	Kate Reimann	No		Dick Mace	No
	Susan Storti	No		Richard Morris	No
			Karl Nilson, 3 rd Vice Treasurer	No	

Stern clarified that WisDOT will require the purchaser to install a fence along the property line, protecting the vision triangle. Anderson asked if WisDOT would consider not selling the area not under the building and outside of the vision triangle. Stern stated they would, but would likely come back with an OTUA. Anderson asked if there is a requirement of the sale to manage entrances of the building. Stern stated it could be managed through an OTUA. Honer stated that the Commission currently manages a lease in Illinois regarding a building that is partially on Commission owned property and it has been problematic for the Commission. Storti asked to clarify the vision triangle. Stern stated nothing in the vision triangle is being sold and the Commission will not improve the vision triangle by purchasing the area outside of under the building. Reimann asked why nothing has been done to manage trespass in this location. Stern responded that it is WSOR's responsibility to manage trespass.

- o *Motion to call the question. Sweeney/Kannard. Approved. Nilson Opposed.*
- o *Motion to purchase the property under the building and the property not under the building outside of the vision triangle. Nilson/Storti. Passed Unanimously. Motion Fails.*

Crawford	Carl Orr, 2 nd Vice Chair	Excused	Jefferson	Mary Roberts	No
	Mark Gilberts	No		John Kannard	No
	Tom Cornford	Excused		Kathy Bahner	No
Dane	Kevin Potter	No	Rock	Karl Zarling, Alternate	Absent
	Jeff Huttenburg, Treasurer	No		Russ Podzilni	Yes
				Wayne Gustina	Yes
Grant	Gary Ranum	No	Sauk	Alan Sweeney, Chair	No
	Mike Lieurance	No		Brian Peper	Excused
	Robert Scallon, 1 st Vice Chair	No		Dave Riek, 2 nd Vice Treasurer	No
				Marty Krueger	No
Green	Harvey Kubly, 1 st Vice Treasurer	Excused	Walworth	Tim McCumber, Alternate	No
	Oscar Olson	No		Al Stanek	Absent
	John Buol	Excused		Richard Kuhnke, 2 nd Vice Secretary	Excused
Iowa	Charles Anderson, Secretary	No	Waukesha	Allan Polyock	Absent
	Kate Reimann	Yes		Dick Mace	No
	Susan Storti	Yes		Richard Morris	No
			Karl Nilson, 3 rd Vice Treasurer	Yes	

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13. Discussion and Possible Action on OTUA on the Cottage Grove Subdivision in Madison, WI – Honer, Admin.

Stern explained the Offer-to-Use Agreement is for an 18 month use of WisDOT property for storage of construction equipment. Stern stated the compensation for offer-to-use would be the installation of permanent fencing and improving the drainage of the ditch.

Lucht stated the proposed development is high-density. Lucht stated the developer came to WSOR several months prior that said they wanted to remove the pavement and restore the corridor. Lucht stated that prior temporary uses have been from 1-2 months and not 18 – 24 months. Lucht stated that WSOR would be ok with 7 months for material staging and the construction company building a fence but does not feel comfortable with an 18 month use of the corridor.

Sweeney clarified with Stern that the negotiations are ongoing with the OTUA.

Honer asked Brownlee if the Commission can take action on the conditions of a lease or just the land use. Brownlee stated that the operating agreement for this subdivision requires approval from both the operator and the Commission. The Commission can conditionally approve the offer-to-use pending final approval by WisDOT.

- *Motion to table until a completed contract is ready. Huttenburg/Sweeney. Anderson Opposed. Passed.*

14. Adjournment.

- *Motion to Adjourn at 11:29 am – Gustina/Kannard. Passed Unanimously.*