

WRRTC NOVEMBER 4, 2022 MEETING MINUTES – APPROVED

Wisconsin River Rail Transit Commission Commission Meeting – Friday, November 4th, 2022 at 10:00 am Hill Farms State Office Building – Madison, WI

1. 10:05 AM **Call to Order** – Alan Sweeney, Chair
2. Roll Call. **Establishment of Quorum** – Troy Maggied, Admin

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

Commission met quorum.

Others present for all or some of the meeting:

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| <ul style="list-style-type: none"> Troy Maggied, SWWRPC Lisa Stern & Rich Kedzior, WisDOT Eileen Brownlee & Julia Potter, Boardman and Clark Brigit Brown, WisDNR | <ul style="list-style-type: none"> Ken Lucht & Roger Schaalma, WSOR. Alan Anderson, Pink Lady RTC. Mark Opitz, City of Middleton |
|---|---|

3. Action Item. **Certification of Meeting's Public Notice** – Noticed by Honer.
 - Motion to approve meeting's public notice – Morris/Larson. Passed Unanimously.
4. Action Item. **Approval of Agenda** – Prepared by Honer.
 - Motion to approve the agenda. McCumber/Orr. – Passed Unanimously.
5. Action Item. **Approval of draft October 2022 Meeting Minutes** – Prepared by Honer.
 - Motion to approve the October 2022 meeting minutes with minor corrections and clarifications. Huttenburg/Orr. Larson abstained. Passed Unanimously.
6. Updates. **Public Comment** – Time for public comment may be limited by the Chair.
Mark Opitz, City Planner for City of Middleton, reported the city recently became aware of severe trespassing issues in the city. He attended to inform the Commission they take this seriously and respond if Agenda item 14 pertains to Middleton.

7. Updates. **Announcements by Commissioners**
Krueger informed the Commission they have sent a Notice of Intent to enter into a contract with MSA Professional Services for the design of the new bridge crossing the Wisconsin River. MSA's initial proposal is due back on November 11. The County, WisDOT, and WSOR were all involved in the process.

REPORTS & COMMISSION BUSINESS

8. **WRRTC Financial Report** – Huttenburg, Treasurer
Huttenburg presented the treasurer's report and one bill for payment to Richgels Schaefer Agency, Inc for \$30 for treasurer bonding.
 - Motion to approve the Treasurer's Report and the payment of the bill. Anderson/Kannard. Passed Unanimously.

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9. **Wisconsin & Southern Railroad’s Report on Operations – Lucht, WSOR**

The tie project on Madison Sub. is coming to a close. The rail tester is almost done on the entire system. WSOR is working through budget amendments with WisDOT on several other projects. Engineering and design is underway on the new Janesville facility, and plans are under review by WisDOT.

10. **WisDOT Report – Stern - WisDOT.**

Stern reported on staffing updates. The state Rail Conference is on November 15, with a virtual option that will be available. Cost is \$45 to register online, and \$50 in person. There will be no fee for online attendance. Lisa will forward the link to the virtual option when it is available.

11. **WRRTC Correspondence/Communications and Administrator’s Report – Maggied, Admin.**

None.

12. **Update and Possible Action on Merrimac Bridge Budget – Sweeney, Chair.**

The bids for Phase 3 of the bridge came in way over budget. The lowest competitive bid came in \$8.1 million over the budget. A grant agreement for the budgeted amount was executed with WisDOT during the summer. Currently, WSOR has 28 calendar days to accept or reject the bid. WSOR is seeking options to bridge the local match gap of \$1,638,800. WSOR believes they need to accept this bid and needs to find the funding to bridge the gap. Failure to upgrade the bridge means it will be further degraded to 208k lbs in the coming years. The proposal from WSOR reflects Sauk County’s offer to provide \$865,245 towards the gap. WRRTC’s 2019-2020 funding is dedicated to the bridge, and the 2021 and 2022 funding is currently allocated to the Janesville bridges. WSOR is not expecting to start construction on the Janesville bridges for the next three years. WSOR is asking WRRTC to reallocate this funding equal to \$377,745 to contribute to the overage on the Merrimac Bridge, and then allocate the WRRTC’s funding from 2023 and 2024 to the Janesville projects. This arrangement, if agreed upon, will have no impact on the funding of the Janesville bridge projects. WSOR is committing \$395,810 the final portion of the shortfall equal to \$395,810. Krueger believes that if the bridge is further degraded, freight rail in Sauk County will be significantly negatively impacted. McCumber reported that Reedsburg and Baraboo also see this as a critical investment for Sauk County and the whole system.

Al Anderson stated he agreed with Sauk County’s position. Ranum stated he thought WSOR’s recommendation made sense and supports this option, and also reminded the Commission that the Janesville bridges may also cost a lot more when the time comes to invest in them. Burchill stated she supported the project and asked for more information on how Sauk County’s budget process will include this. Stern clarified that today’s vote is only regarding WRRTC’s contribution. WisDOT will discuss with FRA as to whether there will be any amendments needed for documentation on these projects. Huttenburg asked that any motion made today is contingent upon approval from FRA on the sources and allocation of WRRTC funding for these projects. WSOR reported that the cost overrun was tied to all aspects of the project – steel, fuel, aggregate, labor, etc. The project needs to be completed by the end of 2025 to avoid degrading, and rebidding will risk missing this date or increasing project costs due to compressing the construction schedule. The bid price is locked in for 60 days from the bid opening.

Brownlee is concerned that the meeting agenda item does not accurately reflect the potential budget transfer. She also reported that budget transfers require a 2/3 majority vote of the governing body as a whole, not just a simple majority. She recommends a vote be framed with a resolution, be a roll-call vote, and pass by 2/3 majority. A zoom meeting will be held at 9am on Wednesday morning to confirm the open meeting rules and a formal resolution will be distributed for this meeting. A 2/3 vote is 20 voting members of the board.

- o *Motion to table this agenda item until next Wednesday at 9am via zoom. Krueger/Burchill. Approved Unanimously.*

13. **WSOR Presentation on 2021 Carloads. – Lucht, WSOR**

Lucht provided a report on carloads, contents, and destinations. In 2021 there were 54,000 carloads, which mirrors loads in 2016. Details on subdivision traffic was provided to the Commission.

14. **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 – Sweeney, Chair.**

- o *Motion to adjourn to closed session and reconvene at 11:25am. Morris/Krueger. Approved Unanimously. (Roll Call Below)*

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|----------|--------------------------------------|---------|-----------|------------------------------|---------|
| Crawford | Carl Orr, 2 nd Vice Chair | X | Jefferson | Mary Roberts | X |
| | Mark Gilberts | X | | John Kannard, Vice Secretary | X |
| | Tom Cornford | Absent | | Kathy Bahner | X |
| | | | | Jeff Smith, Alternate | X |
| Dane | Kevin Potter | X | Rock | Russ Podzilni | Excused |
| | Jeff Huttenburg, Treasurer | X | | Tom Brien | X |
| | Jim Bolitho | Excused | | Alan Sweeney, Chair | X |
| Grant | Gary Ranum | X | Sauk | Brian Peper | Excused |

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|-------|--|----------------|----------|--|----------------|
| | Mike Lieurance | <i>X</i> | | Gaile Burchill, <i>2nd Vice Treasurer</i> | <i>X</i> |
| | Robert Scallon, <i>1st Vice Chair</i> | <i>Absent</i> | | Marty Krueger | <i>X</i> |
| | | | | Tim McCumber, Alternate | <i>X</i> |
| Green | Harvey Kubly, <i>1st Vice Treasurer</i> | <i>Excused</i> | Walworth | Al Stanek | <i>Absent</i> |
| | Todd Larson | <i>X</i> | | Richard Kuhnke, <i>2nd Vice Secretary</i> | <i>Excused</i> |
| | Kurt Schafer | <i>X</i> | | Allan Polyock | <i>Excused</i> |
| Iowa | Charles Anderson, <i>Secretary</i> | <i>X</i> | Waukesha | Dick Mace | <i>Absent</i> |
| | Kate Reimann | <i>X</i> | | Richard Morris | <i>X</i> |
| | Kevin Peterson | <i>X</i> | | Karl Nilson, <i>3rd Vice Treasurer</i> | <i>Excused</i> |

15. **Convene in closed session for the purpose stated in the preceding agenda item. – Sweeney, Chair.**
16. **Reconvene in open session – Sweeney, Chair.**
 - *Motion to return to open session. Orr/McCumber. Approved Unanimously.*
17. **Possible action on closed session matter – Sweeney, Chair.**
 - *Motion to instruct legal counsel to pursue any and all legal remedies for the situation in Illinois Krueger/Sweeney. Approved Unanimously.*
18. **Adjournment.**
 - *Motion to Adjourn at 11:44am. McCumber/Orr. Passed Unanimously.*