

**Minutes of the
East Wisconsin Counties Railroad Consortium
Meeting of January 12, 2022**

East Wisconsin Counties Railroad Consortium Meeting was called to order by Chairman Thomas Winker on January 12, 2022, at approximately 10:00 a.m., at the Dodge County Administration Building, Meeting Rooms H & I, located at 127 E. Oak Street, Juneau, Wisconsin.

Certification of Public Notice: Kimberly A. Nass certified that the notice of this meeting complies with all applicable requirements of Wisconsin's Open Meetings Law.

Present: James E. Foley (by Zoom), Columbia County; Russell Kottke and Jeffrey Caine, Dodge County; Karen Madigan and John Zorn, Fond du Lac County; Dennis Mulder (by Zoom), Green Lake County; Thomas E. Winker and Marty Wolf, Ozaukee County, Jeff Schleif, Washington County; and, Donald Nussbaum (by Zoom), Winnebago County.

Excused: David Abendroth, Green Lake County; Milwaukee County; Roger TeStroete and Al Bosman, Sheboygan County; and, Brian Gallitz, Washington County.

Others Present: Lisa Stern and Todd Wojciuk, Wisconsin Department of Transportation; Allen Schwab, Horicon Bank, Jeffrey Butzke, Compass Surveying, LLC; Ken Lucht, WSOR; Kimberly A. Nass, Dodge County Corporation Counsel; and Kelly Lepple, Dodge County Corporation Counsel Office.

Public Comment: None.

Election of Officers:

Thomas Winker called for nominations from the floor for the office of Vice Chairman.

Vice Chairman: Karen Madigan nominated John Zorn for Vice Chairman. John Zorn declined the nomination. Marty Wolf nominated Jeff Schleif for Vice Chairman. There were no other nominations. Motion by Zorn/Caine to cast a unanimous ballot for Jeff Schleif as Vice Chairman. Motion carried by unanimous vote. Jeff Schleif was elected Vice Chairman of the EWCRC.

Secretary: Jeff Schleif nominated Jeff Caine for Secretary. There were no other nominations. Motion by Kottke/Schleif to cast a unanimous ballot for Jeff Caine as Secretary. Motion carried by unanimous vote. Jeff Caine was elected Secretary of the EWCRC.

Approval of Draft Minutes of September 8, 2021: Motion by Mulder/Schleif to approve the draft minutes of September 8, 2021. Motion carried by unanimous vote.

Financial Report: Russell Kottke reported for the period ending December 31, 2021. The balance in the checkbook as of August 31, 2021, was \$1,000.89. Deposits – \$5,201.21, Expenditures – None, and Transfers – \$5,201.21. Total EWCRC money on deposit in the Local Government Investment Pool as of November 30, 2021, is \$500,015.76. Motion by Caine/Madigan to approve the Financial Report. Motion carried by unanimous vote.

Jeff Schlief asked what is the current interest rate of the LGIP. Kim Nass stated that she would report back the interest rate of the LGIP at the March 9, 2022 EWCRC meeting.

Consider and discuss Grant Application(s) for Rehabilitation of Janesville Bridges and Funding Commitment: There was consideration of and discussion about the grant applications for the rehabilitation of the Janesville bridges and funding commitment. In 2021, WisDOT applied for an INFRA grant but was not awarded the grant. In July of 2021, WisDOT applied for a RAISE Grant and was recently informed that WisDOT was awarded the RAISE Grant in the amount of \$6.7 million. WisDOT was also going to apply for a CRISI grant, but did not submit the application, because WisDOT was awarded the RAISE grant.

The rehabilitation project of the Janesville bridges will cost approximately \$11.28 million. The project will be funded using the RAISE grant in the amount of \$6.7 million, WisDOT contributing approximately \$3.3 million, WSOR contributing approximately \$750,000, EWCRC contributing \$450,000, WRTC contributing approximately \$370,000, and the Pecatonica Rail Transit Commission contributing \$50,000. Construction will begin in the calendar year of 2024.

Consider, discuss, and take action on WisDOT's sale of State Railroad Property at 421 Barstow Street, Horicon, Wisconsin. There was consideration of and discussion about WisDOT's sale of state railroad property located at 421 Barstow Street, Horicon, Wisconsin. Allen Schwab of the Horicon Bank provided a handout to members outlining the details of the sale. The current buyer, Marsh Automotive, would like to acquire 299 sq. ft. of property owned by WisDOT, that would move the property line to eliminate the building encroachment on railroad right-of-way.

The EWCRC discussed issues with safety and creating a precedence if WisDOT was to sell state railroad property that did not fall within the required setback of 50 feet from the centerline of the railroad track. The members also discussed the ramifications of selling the land versus providing an offer to use agreement. WisDOT stated that they would most likely not consider an offer to use agreement.

Lisa Stern of WisDOT stated that per the Agreement between the EWCRC and WisDOT, WisDOT is required to offer the first right of refusal to the EWCRC. If the EWCRC does not want to purchase the land, then WisDOT would proceed with the sale of the land to Marsh Automotive.

The EWCRC discussed tabling this matter until the March 9, 2022, EWCRC meeting, to allow legal counsel for WisDOT, WSOR, and the EWCRC to consider all the information presented and meet to discuss and consider all options before taking formal action on WisDOT's offer of first right of refusal. Motion by Caine/Mulder to table this matter until the March 9, 2022, EWCRC meeting to allow legal counsel to organize a meeting to discuss the sale of the state railroad property. Motion carried by unanimous vote.

Report of WisDOT Railroads and Harbors: Lisa Stern reported the following: WisDOT is currently reviewing Freight Rail Preservation Program (FRPP) applications and will be awarding FRPP grants in February of 2022. WisDOT is seeking applications for a Rail GIS and Property Specialist and the deadline for applications is January 23, 2022. Delong is very active with its transloading of corn and beans at the Milwaukee Harbor. WisDOT is currently conducting transload studies in the Fox Valley.

Consider, discuss, and take action on WSOR Proposed Improvements for New Track at MP 183.50 Oshkosh Subdivision: Ken Lucht provided a diagram of the proposed new track construction at Mile Post 183.50 located on the Oshkosh Subdivision, in Oshkosh, Wisconsin. WSOR is proposing to construct new track infrastructure in order to address existing safety and efficiency issues, including to allow for future growth. WSOR is proposing to install two new switches within the railroad right-of-way. The new track and switches will be financed and maintained by the WSOR. The WSOR anticipates start of construction to be May 1, 2022. United Cooperative will be constructing two new side tracks outside the railroad right-of-way on its own property in order to increase its capacity for loading grain for outbound

moves. This will allow greater flexibility in shipping grain by rail when markets allow. Per Section 8.4 of the Operating Agreement between WSOR and the EWCRC, WSOR is asking for the EWCRC's consideration and approval of this proposed project. Motion by Caine/Schleif to approve the proposed new track construction at Mile Post 183.50, located on the Oshkosh Subdivision, in Oshkosh, Wisconsin. Motion carried by unanimous vote.

Report of WSOR: Ken Lucht reported the following: WATCO and Canadian National have come to terms on acquiring approximately 650 miles of branch lines in northern Wisconsin as well as the Upper Peninsula of Michigan, and approximately 250 miles of branch lines in Ontario, Canada. In December of 2021, the Surface Transportation Board (STB) approved the sale of rail lines. The closing will take place on January 29, 2022. Seventy-five miles of track will be a part of the WSOR but not a part of the EWCRC, as WisDOT is not interested in purchasing the land.

Date, time, and place of next meeting (March 9, 2022): The next regular EWCRC meeting will be held on March 9, 2022, at 10:00 a.m. Dodge County will host the meeting.

Motion by Kottke/Caine to adjourn. Motion carried by unanimous vote. Meeting adjourned at 11:40 a.m.

Respectfully submitted,



Jeff Caine, Secretary

Disclaimer: These are draft minutes. These draft minutes may be approved, amended, or corrected at the next meeting of the East Wisconsin Counties Railroad Consortium.