

**Minutes of the  
East Wisconsin Counties Railroad Consortium  
Meeting of July 8, 2009**

**East Wisconsin Counties Railroad Consortium Meeting** was called to order by Chairman Jerald Holub on July 8, 2009, at 10:00 a.m., at the Goose Blind Grill and Bar, 512 Gold Street, Green Lake, Wisconsin.

**Certification Of Public Notice:** John F. Corey certified that the notice of this meeting complies with all applicable requirements of Wisconsin's open meetings law.

**Welcome to Green Lake County:** Robert Podgorski, Green Lake County Highway Commissioner, and Margaret Bostelmann, Green Lake County Clerk, welcomed everyone to Green Lake County.

Roll call was taken.

**Present:** Kenneth Hutler and Vern Gove, Columbia County; Russell Kottke and Edwin J. Qualmann, Dodge County; Joseph Koch and Robert Fox, Fond du Lac County; Eugene Henke and Alma Hedberg, Green Lake County; Rose Hass Leider and Robert Walerstein, Ozaukee County; Jerald Holub and Duffy Reimer, Sheboygan County; Brian Bausch and Daniel Goetz, Washington County; and Stan Kline and Jef Hall, Winnebago County.

**Excused:** None.

**Others Present:** Robert Podgorski, Green Lake Highway Commissioner; Margaret Bostelmann, Green Lake County Clerk; Don Pohlman, Mayor for the City of Plymouth; Jim Sedlacek, Councilman for the City of Plymouth; John Rogers, Business Development Director of the Sheboygan County Chamber of Commerce; Jerry Thompson, Railroad Services Coordinator for the City of Plymouth; Charles Beck, Citizen; David Wheeler, Citizen; Ken Hypki; Paul Lohmiller, Graef Engineers; Shelly Bernhagen, Badger Mining Corporation; Bill Gardner and Ken Lucht, WSOR; Frank Huntington, WisDOT Bureau of Railroads and Harbors; John F. Corey, Dodge County Corporation Counsel; and Kelly L. Lepple, Recording Secretary.

**Public Comment:** Bill Gardner of WSOR presented a plaque entitled *Meeting Tomorrow's Rail Needs* to the Chairman of the EWCRC and stated that the plaque represents WSOR's future, and symbolizes WSOR's progress from what it was in the past to what it is going to be in the future.

**Approval of Minutes of May 13, 2009:** Motion by Kline/Henke to approve the minutes of the May 13, 2009, meeting, as presented. Motion carried by unanimous vote.

**Financial Report:** Ed Qualmann: The balance in the checkbook as of April 30, 2009, was \$1,000.00. Deposits were \$125,000.00. There were no expenditures. Transfers to the AIM Investment Account were \$125,000.00. As of June 30, 2009, the balance in the checkbook was \$1,000.00. Total EWCRC Money on Deposit in the AIM investment account as of June 30,

2009, is \$257,111.59. There was a typographical error in the Deposits. The May 1, 2009, deposit date of Sheboygan County's 2009 member county contribution should read June 1, 2009. Motion by Leider/Kline to approve the financial report, with the correction of the May 1, 2009, deposit date of Sheboygan County's 2009 member county contribution to read June 1, 2009. Motion carried by unanimous vote.

**Consider, Discuss and Take Action on Milwaukee County Joining the EWCRC:** Chairman Holub reported that Milwaukee County signed the *Agreement Providing For The Joinder Of Milwaukee County, Wisconsin, To The East Wisconsin Counties Railroad Consortium*. Chairman Holub also reported that members from the Milwaukee County Board of Supervisors have not yet been appointed to the EWCRC. John Corey reported that an invoice was sent to Cynthia Archer, Director of the Department of Administrative Services, for payment of Milwaukee County's 2009 member county contribution to the EWCRC.

**Consider, Discuss and Take Action on the Local Match for the Funding of the Acquisition and Rehabilitation of the Plymouth to Kohler Rail Line:** There was consideration of and discussion about the local match for the funding of the acquisition and rehabilitation of the Plymouth to Kohler rail line. Bill Gardner reported the following: The Plymouth to Kohler rail line is now under WisDOT ownership. WSOR is in the process of hiring an engineering firm for this project. WSOR would like to start construction of the Plymouth to Kohler rail line by October 1, 2009.

Frank Huntington reported the following: Secretary Frank Busalacchi received EWCRC's support letter for the inclusion of the "WYE" track connection in the reconstruction of the Plymouth to Sheboygan Falls rail line. WisDOT has included the "WYE" track connection as part of the reconstruction project. The EWCRC will receive in the near future a letter from Secretary Busalacchi stating that WisDOT has included the "WYE" track connection as part of the reconstruction project. WisDOT is in the process of obtaining the necessary bonding authority and in completing other required tasks. WisDOT is hopeful that it will accomplish all of these necessary tasks by October 1, 2009. WisDOT will fund 80% of the cost of the rehabilitation project and WSOR will fund 20% of the cost of the rehabilitation project. It is likely that WSOR's 20% funding portion will include contributions made by stakeholders for the rail line from Plymouth to Sheboygan Falls. The EWCRC is not being asked to contribute toward this reconstruction project. The reconstruction of the rail line will consist of removing all existing railroad infrastructure from the rail line corridor and rebuilding the rail line from scratch.

Don Pohlman, Mayor of the City of Plymouth, explained where the "WYE" track will be installed and the benefits of the "WYE" track. He stated that there will be underlying costs in clearing out the area in which the "WYE" track will be installed. He further stated that the City of Plymouth will apply for a Brownfields Grant through the State of Wisconsin, and will apply for various other grants to pay for some of the costs that will arise in clearing the area in which the "WYE" track will be installed. Don Pohlman asked the EWCRC to consider contributing some of its member county contributions toward payment of costs of the "WYE" track installation. There was discussion about the EWCRC contributing some of its member county contributions for this purpose. Bill Gardner stated that the WSOR intends to ask the EWCRC to

use its member county contributions to partially fund numerous rehabilitation projects to be proposed by the WSOR. Don Pohlman further reported that the City of Plymouth intends to establish “quiet zones” in specific areas of the City.

**Consider, Discuss, and Take Action on Formation of Stakeholder Group for Rail Line from Plymouth to Sheboygan Falls:** There was consideration of and discussion about the formation of a stakeholder group for the rail line from Plymouth to Sheboygan Falls. Chairman Holub reported that a stakeholder group has been formed. Chairman Holub provided a list of the names of public and private sector officials who are members of the stakeholder group. Chairman Holub requested that a list of names of stakeholder group members, and a copy of a letter, dated May 28, 2009, addressed to Governor Jim Doyle, Wisconsin State Senate President Fred Risser, and Wisconsin State Assembly Speaker Michael Sheridan, by Dee Olsen, Executive Director of the Sheboygan County Chamber of Commerce, and by John Rogers, Business Development Director of the Sheboygan County Chamber of Commerce, be provided to all EWCRC members by inclusion in the next meeting packet. Jerry Thompson requested that the EWCRC draft a letter in support of the reconstruction of the rail line from Plymouth to Sheboygan Falls and send it to Don Pohlman, Mayor for the City of Plymouth, Randy Meyers, Mayor for the City of Sheboygan Falls, Bob Ryan, Mayor for the City of Sheboygan, John Rogers, Business Development Director of the Sheboygan County Chamber of Commerce, and Michael J. Vandersteen, Chairman of the Sheboygan County Board of Supervisors. There was discussion regarding this letter of support. It was the consensus of the EWCRC that the “WYE” track letter, dated June 23, 2009, addressed to Dick J. Leinenkugel, Secretary of the Wisconsin Department of Commerce and Frank Busalacchi, Secretary of the Wisconsin Department of Transportation, by Chairman Holub, will suffice as a letter in support of the reconstruction of the rail line from Plymouth to Sheboygan Falls. It was also the consensus of the EWCRC that a copy of the that “WYE” track letter be sent by regular United States mail to Don Pohlman, Mayor for the City of Plymouth, Randy Meyers, Mayor for the City of Sheboygan Falls, Bob Ryan, Mayor for the City of Sheboygan, John Rogers, Business Development Director of the Sheboygan County Chamber of Commerce, and Michael J. Vandersteen, Chairman of the Sheboygan County Board of Supervisors.

Bill Gardner reported that the UP has sold to the WSOR the main railroad track that leads into the Cargill plant in the City of Sheboygan.

**Presentation about Railroad Corridor from Plymouth to Sheboygan Falls:** Ken Lucht and Bill Gardner of the WSOR provided a presentation, by the use of aerial photographs from Live Maps, regarding the railroad corridor from Plymouth to Sheboygan Falls.

**Consider, Discuss, and Take Action on Wisconsin Railroad Pesticide Application:** There was consideration of and discussion about the application of pesticides, including herbicides, in Wisconsin, by railroads. Ken Lucht reported the following: Representative Louis Molepske of Stevens Point, Wisconsin, has introduced 2009 Assembly Bill 314, regarding the application of pesticides, including herbicides, in Wisconsin, by railroads. Assembly Bill 314 was referred to the Assembly Committee on Natural Resources. A public hearing is scheduled for July 29, 2009. In the event that Assembly Bill 314 is adopted by the Wisconsin Legislature, it will further regulate the manner in which WSOR conducts the annual spraying of weeds and brush on its

railroad corridors, and it will negatively impact the provision of freight rail service to all communities served by WSOR. WSOR sprays herbicides, but not pesticides, on its railroad corridors. Ken Lucht requested that the EWCRC send a letter to the members of the Assembly Committee on Natural Resources and to all Wisconsin State Legislators with a constituency in the EWCRC member counties, opposing 2009 Assembly Bill 314. Motion by Hall/Kline to direct WSOR to work with the Office of Dodge County Corporation Counsel to draft a letter for the approval and signature of Chairman Holub to send to the members of the Assembly Committee on Natural Resources, and to all Wisconsin State Legislators with a constituency in the EWCRC member counties, opposing 2009 Assembly Bill 314, and to authorize and direct the Office of Dodge County Corporation Counsel to send the letter immediately after it has been approved and signed by Chairman Holub. Motion carried by unanimous vote.

**Consider, Discuss, and Take Action on Report of WSOR:** Bill Gardner reported the following: WSOR has been installing ties on the Plymouth rail line. WSOR has been allocating many resources to the Plymouth to Sheboygan Falls reconstruction project. The Wisconsin State Legislature recently adopted legislation that may require construction contractors with which WSOR will contract in connection with the Plymouth to Sheboygan Falls reconstruction project, to pay prevailing wage rates to their employees, which will increase the cost of the project. WSOR intends to rehabilitate grade crossings with WSOR employees. In 2009, WSOR will rehabilitate grade crossings on the Milwaukee Subdivision from Slinger to Milwaukee and on the Madison Subdivision from Milton Junction to Madison. WSOR will start rehabilitating these grade crossings with two WSOR crews. The local wheat crop is good this year. The local pea crop is excellent this year. WSOR is shipping a lot of canned vegetables. WSOR is shipping a lot of ethanol from Utica Energies, near Oshkosh, and a lot of ethanol from Didion, in Cambria. Didion has a contract with the U.S. government to produce a food product named P.L. 480 for the "Food For Peace" program for shipment to third world countries. P.L. 480 is a grain-based product, to which cold water is added to make an edible food which resembles cream of wheat or oatmeal. WSOR is shipping a lot of P.L. 480 from the Didion facility in Cambria. Due to a lower demand of automobiles, Badger Mining is shipping less sand to foundries. WSOR has experienced an increase in shipment of sand in other areas and to end users other than foundries. WSOR is shipping transloaded sand from Gaylor in Ripon. D&I Silica and Patterson Sand have been increasing their rail business. They have been buying sand from Badger Mining as well as other sand pits, and transloading it at some of WSOR's sites near Ripon and Fairwater. Several scrap metal dealers recently began shipping from WSOR's North Milwaukee yard. WSOR is also doing transloading for a plastics customer in WSOR's North Milwaukee yard. WSOR is making "cold calls" to customers off line to let them know of WSOR's services and to let them know what WSOR can provide to them and to let them know that WSOR can reduce their transportation costs if they reduce transloading. WSOR recently completed production of a documentary film entitled the "Cripple Effect." It is 24 minutes long. It describes WSOR's growth from 1980 to today, and it describes, summarily, what has taken place in the rail industry during the past 25 to 30 years. It is a documentary film that promotes WSOR and promotes the State of Wisconsin's investment in the rail system. WSOR will use this film to gain more customers, to encourage more customers and businesses to move to Wisconsin and use the freight rail services provided by WSOR, and to educate local legislators and local governmental officials about the importance and advantages of a viable freight rail system, and about the importance of the investment of public monies in the publicly-owned rail system. WSOR will

schedule a joint meeting with all of the transit commissions in August or early September of 2009, for the purpose of viewing this documentary film. Members of transit commissions are encouraged to invite other members of their respective county board of supervisors, and members of other county committees, to this meeting. Bill Gardner further reported that NAPA is installing a new track in the Granville area, near Milwaukee, for a metal scrap dealer that is in the process of locating on the rail line. Another metal scrap dealer is locating on the rail line, near County Trunk Highway Q, about 2 miles away from the other scrap dealer. Other businesses are converting from truck to rail. S. 146, the “Railroad Antitrust Enforcement Act of 2009” and H.R. 233, the “Railroad Antitrust Enforcement Act of 2009” is in the United States Senate. The Senate Committee on Commerce and the Senate Committee on the Judiciary are trying to effect a compromise to this Bill, in order that it may be adopted. However, in its current version in the United States House of Representatives, it will not be adopted by the Senate. Therefore, Legislators are trying to work out a compromise in the United States Senate.

**Time, date, and place of next meeting (September 9, 2009):** The next regular EWCRC meeting will be held on Wednesday, September 9, 2009, at 10:00 o’clock a.m. Dodge County will host the meeting.

Motion by Kline/Hall to adjourn. Motion carried by unanimous vote.

Meeting adjourned at 12:01 p.m.

Respectfully submitted,

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Jef Hall, Secretary

**Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.**