

**From:** Adam Tegen <ategen@manitowoc.org>  
**Sent:** Tuesday, May 25, 2021 1:04 PM  
**To:** 'Byers, Harris'; Van Der Kloot, James  
**Cc:** Beggs, Tauren R - DNR  
**Subject:** RE: External: Decision Memorandum for Site 1 and Site 3 of the River Point District  
**Attachments:** Signed Amendment #1 to Loan Agreement 5-25-2021.pdf

Attached is the signed Amendment #1 to the corresponding loan from the City to the CDA.

Adam

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**From:** Byers, Harris [<mailto:Harris.Byers@stantec.com>]  
**Sent:** Friday, May 21, 2021 5:54 PM  
**To:** Van Der Kloot, James; Adam Tegen  
**Cc:** Beggs, Tauren R - DNR  
**Subject:** External: Decision Memorandum for Site 1 and Site 3 of the River Point District

Team:

Attached is the Decision Memorandum for Site 1 and Site 3 of the River Point District in Manitowoc.

Sincerely,

**Harris Byers, Ph.D.**

Sr. Brownfields Project Manager  
Contaminant Hydrogeologist / Urban Geochemist

Direct: 414 581-6476  
Harris.Byers@stantec.com

Stantec  
12075 Corporate Parkway Suite 200  
Mequon WI 53092-2649



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**Be Alert !**

This is External or System generated Email. Please verify before opening any links or attachments.

FIRST AMENDMENT TO THE EPA LOAN AGREEMENT BETWEEN THE CITY OF  
MANITOWOC AND THE COMMUNITY DEVELOPMENT AUTHORITY

WHEREAS, the City of Manitowoc, Wisconsin, a Municipal Corporation (the "Lender") and the Community Development Authority of the City of Manitowoc, a quasi-government agency (the "Borrower") entered into a Loan Agreement (the "Agreement"); and

WHEREAS, the Lender and Borrower executed the Agreement on September 30, 2020 and

WHEREAS, the maximum principal amount of the loan is \$217,375 and the purpose of the loan is to undertake certain remediation work at the property in connection with the redevelopment of the property for multi-family residential and right-of-way purposes; and

WHEREAS, due to additional contamination of a similar nature being found elsewhere on the River Point District, the parties wish to expand the area eligible for the use of the loaned funds. All other aspects of the loan parameters are to remain intact.

NOW THEREFORE BE IT RESOLVED

That Section B(1) of the Agreement is revised as follows:

The Borrower is the owner of certain real property located in and around 1110 Buffalo Street and 200 North 10th Street, Manitowoc, Wisconsin (the "Property"), more particularly described in Exhibit A, attached.

That Exhibit A (Legal Description of Property) to the Agreement is revised as follows:

EXHIBIT A  
LEGAL DESCRIPTION OF PROPERTY

Street Address: 1110 Buffalo Street and 1 North 10<sup>th</sup> Street  
Manitowoc, Wisconsin

Parcel Numbers: 000-173-020, 000-173-022, 000-173-023, 000-173-030,  
000-173-110, 000-173-040, 000-173-060, 000-173-150,  
000-173-170, 000-173-070, 000-173-000, 000-173-003,  
000-173-100, 000-173-160

Legal Descriptions: Parcel 000-173-020  
Part of Blocks 150 & 151 of the Original Plat of the City of  
Manitowoc & Vacated Street abutting, under lease #12319  
Soo Line RR

Parcel 000-173-022

Part of Blocks 151 & 152 of the Original Plat of the City of Manitowoc & Vacated Streets abutting, under lease #7010 Soo Line RR

Parcel 000-173-023

Part of Block 152 of the Original Plat of the City of Manitowoc & Vacated Street abutting, under lease #9034 Soo Line RR

Parcel 000-173-030

Part of Block 152 of the Original Plat of the City of Manitowoc, under lease #6538-A Soo Line RR

Parcel 000-173-110

That Part of Block 152 of the Original Plat of the City of Manitowoc not under lease

Parcel 000-173-040

Part of Block 152 of the Original Plat of the City of Manitowoc, under lease #12319 Soo Line RR

Parcel 000-173-060

Part of Block 151 of the Original Plat of the City of Manitowoc & Vacated Street abutting under lease #7450 Soo Line RR

Parcel 000-173-070

Part of Blocks 152 & 169 of the Original Plat of the City of Manitowoc & Vacated Street abutting under lease #2402-C Soo Line RR

Parcel 000-173-150

That Part of Vacated Buffalo Street not under lease

Parcel 000-173-170

Part of Blocks 2-148-149-150-151-152 169-170-171 of the Original Plat of the City of Manitowoc & Vacated Street abutting not under lease (present or past) considered as non-oper RR property per attached map

Parcel 000-173-000

Part of Blocks 149-150-151-169-172-173 & Vacated Streets Abutting Considered as Non-Operating RR Property as of 1-1-92

Parcel 000-173-003

A 40' X 180' Strip Lying Northwesterly of the Facing of  
Soo Line RR Ferry Slip Dock being part of Blocks 170 &  
171 and Vacated Street Abutting

Parcel 000-173-100

Part of Block 173 & Vacated Street, Abutting Under Lease  
#12007 Excluding V755 P396 For Street Soo Line RR

Parcel 000-173-160

Part Blocks 171-172-173 & 185 & Vacated Street Abutting

That Exhibit E (Borrower, Site, and Property Ownership Eligibility) to the Agreement is revised to include the attached letter from the State of Wisconsin Department of Natural Resources dated May 7, 2021, regarding State Eligibility Determination for Federal Petroleum Assessment Grant 200 North 10<sup>th</sup> Street, Manitowoc, Wisconsin.

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned have executed this

First Amendment to the Agreement as of the 25<sup>th</sup> day of May, 2021.

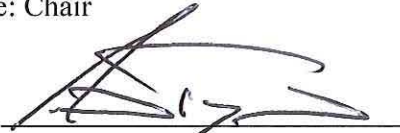
BORROWER:

COMMUNITY DEVELOPMENT  
AUTHORITY

By: 

Name: John Stangel

Title: Chair

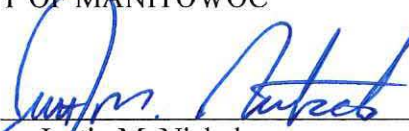
By: 

Name: Adam Tegen

Title: Secretary


LENDER:

CITY OF MANITOWOC

By: 

Name: Justin M. Nickels

Title: Mayor

By: 

Name: Mackenzie Reed Kadow

Title: City Clerk

State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
101 S. Webster Street  
Box 7921  
Madison WI 53707-7921

Tony Evers, Governor  
Preston D. Cole, Secretary  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



May 7, 2021

BRRTS #: 02-36-000408, 03-36-001962, 02-36-176478, 07-36-583000

Adam Tegen  
Community Development Authority of the City of Manitowoc  
City of Manitowoc  
900 Quay Street  
Manitowoc, WI 54220

Subject: State Eligibility Determination for Federal Petroleum Assessment Grant  
200 North 10<sup>th</sup> Street, Manitowoc, Wisconsin  
Tax parcel #s: 000173100, 000173003, 000173160, 000173000 (portion), 000173170 (portion)

Dear Mr. Tegen:

This letter provides a state determination of eligibility for remediation of petroleum at the above property in the city of Manitowoc. This work will be performed under the Community Development Authority of the city of Manitowoc's FY 2013 Brownfield Revolving Loan Fund Grant from the Environmental Protection Agency.

#### History and Ownership

The 6-acre property ("the Property") is part of a larger 20-acre property located at 200 N 10<sup>th</sup> Street in the city of Manitowoc. The Property has been used for rail yard since the late 1800s. The Property is on a peninsula on the Manitowoc River/ Harbor and the land was expanded and filled in in the late 1800s. In addition to the railroad uses, large portions of the land have been leased to various businesses over the years including a junk yard, coal storage, bulk petroleum storage and a warehouse. The Property was most recently owned by Wisconsin Central, Ltd. The Property was previously owned by Soo Line Minneapolis St. Paul and Sault St. Marie Railroad Company. The Community Development Authority of the city of Manitowoc acquired the property in April 12, 2019 from Wisconsin Central, Ltd. and has qualified for the Wisconsin liability exemption for local governmental units under Wis. Stat. § 292.11(9)(e).

#### Contaminant Information

The Property has known and potential petroleum contamination from its historical use as a railroad as well as several tenants that occupied the property. The bulk petroleum facility was operated by a tenant, at one time identified as Clark Oil Company, from circa 1912 to sometime before 1946. The current owner and immediate past owner did not operate the bulk oil facility. Historical records indicate that the bulk plant had eight oil tanks and a pump house at one period of time. A Phase I Environmental Site Assessment conducted in 1992 of part of the Property observed several recognized environmental conditions in addition to the rail yard itself, including drums, tanks, soil staining, and more. The city of Manitowoc's environmental consultant, Stantec, prepared Phase I and Phase II Environmental Site Assessments and is in the process of completing a site investigation. The investigations found soil and groundwater that is contaminated with petroleum compounds and extensive fill material with levels of heavy metals and polycyclic aromatic hydrocarbons (PAHs) above state standards.

**Based on the information provided by Stantec on behalf of Community Development Authority of the City of Manitowoc, the Wisconsin Department of Natural Resources (DNR) made the following determination regarding petroleum remediation at 200 North 10<sup>th</sup> Street, Manitowoc, Wisconsin:**

- The Property meets the federal definition of a brownfield.
- There are no viable responsible parties based on the criteria in EPA's 2013 Proposal Guidelines for Brownfields Revolving Loan Fund Grants. Specifically, the grant recipient, the Community Development Authority of the City of Manitowoc, has not caused or contributed to contamination and is not liable for cleanup. There is no known viable responsible party under the federal guidelines, i.e. another party who is subject to either a judgment in a court of law or an administrative order issued by an administrative body that would require that party to assess, investigate, or clean up the Property. DNR is not aware of any filed environmental enforcement action brought by federal or state authorities regarding this Property, and we are not aware that the Property is subject to any known citizen suit, that would, if successful, require a responsible party that is financially capable of satisfying obligations under federal or state law to assess, investigate or clean up the Property.
- The applicant, the Community Development Authority of the city of Manitowoc, did not dispense or dispose of petroleum or petroleum product, or exacerbate the existing contamination at the site.
- The current and immediate past owners, the Community Development Authority of the city of Manitowoc and Wisconsin Central, Ltd. did not dispense or dispose of petroleum or petroleum products. Based on site history, it is unlikely that Wisconsin Central, Ltd. owned the Property during the dispensing or disposal of, any petroleum products at the Property. Wisconsin Central Ltd appeared to take some reasonable steps and undertook some limited cleanup actions on the Property and received closure letters from the DNR in 1993. The Community Development Authority of the city of Manitowoc took actions to investigate the environmental contamination on the Property.
- Potential petroleum contamination would be of "relatively low risk" based on the criteria in EPA's 2013 Proposal Guidelines for Brownfields Revolving Loan Fund Grants. Specifically, LUST trust fund monies have not been applied to these sites and the state is not aware of any outstanding requirements under the federal Oil Pollution Act.
- The property is not subject to a corrective action order under the Resource Conservation and Recovery Act (RCRA) Sec. 9003(h).

Therefore, we believe the Community Development Authority of the city of Manitowoc could use this money to conduct remediation and other eligible activities at this property under its 2013 federal brownfield Revolving Loan Fund grant. Please contact me at 608-259-6557 if you have any questions.

Sincerely,



Jodie Peotter, PG  
Chief, Brownfields, Outreach and Policy Section  
Bureau for Remediation and Redevelopment

Attachment: Map of Property  
cc: Michael Prager, RR/5  
Tauren Beggs, NER  
Harris Byers, Stantec



May 19, 2021  
File: 193702757

**Attention: Mr. Adam Tegen**  
Community Development Director  
City of Manitowoc  
900 Quay Street  
Manitowoc, Wisconsin 54220

Dear Mr. Tegen,

**Reference: Decision Memorandum**  
**River Point District – Site 1**  
**200 North 10th Street**  
**Manitowoc, Wisconsin 54220**  
**WDNR BRRTS ID: 02-36-00408 (Closed)**  
**07-36-583000 (LGU Exemption/General Property)**  
**02-36-585491 (Open ERP)**  
**ACRES ID: 239715**

**River Point District – Site 3**  
**1110 Buffalo Street**  
**Manitowoc, Wisconsin 54220**  
**WDNR BRRTS ID: 03-36-001962 (Closed)**  
**07-36-583000 (LGU/General Property)**  
**02-36-585491 (Open ERP)**  
**ACRES ID: 239716**

Pursuant to a Brownfields Revolving Loan Fund (RLF) Cooperative Agreement between the City of Manitowoc (City) and the United States Environmental Protection Agency (USEPA), Stantec has prepared the following Decision Memorandum following the public comment period for the Stantec (2021a) DRAFT Analysis of Brownfields Cleanup Alternatives (ABCA) for the former bulk petroleum storage parcels located within the River Point District at 1110 Buffalo Street (Site 3) and 200 North 10<sup>th</sup> Street (Site 1) in Manitowoc, Wisconsin utilizing the framework provided in ch. NR 722 Wisconsin Administrative Code (WAC) (NR 722) for a Remedial Action Options Report (RAOR). The purpose of this letter is to document the recommendation of proposed remedial actions as required for the Manitowoc RLF cleanup program. This Decision Memorandum is based on the Stantec (2021a) DRAFT ABCA.

## **PROJECT BACKGROUND AND ANALYSIS OF BROWNFIELD CLEANUP ALTERNATIVES**

As noted in investigation work completed by Stantec (2020a through 2021b), residual subsurface impacts associated with prior commercial/industrial use and placement of historic fill are present and will complicate redevelopment, as summarized below.

Soil. Select petroleum volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), polynuclear aromatic hydrocarbons (PAHs), and heavy metals were detected in soil at Site 3 and Site 1 at concentrations greater than applicable ch. NR 720 WAC residual contaminant levels and/or background threshold values. VOC and PAH impacts to soil appear attributable to



**Reference: Decision Memorandum; River Point District – Site 3 and Site 1; Manitowoc, Wisconsin**

historic releases in the former bulk petroleum storage areas at Site 3 and Site 1. Work has identified and delineated a sitewide historic fill unit consisting of black granular fill materials. The granular fill across the River Point District is rich in heavy metals and PAHs and is present in thicknesses of up to eight feet. Calculated volume estimates of this material for Site 3 and Site 1 and the River Point District as a whole are summarized below:

<b>Project Area</b>	<b>Quantity of Granular Fill (cubic yards)</b>
Site 3	25,700
Site 1	35,500
River Point	107,700

The River Point District is targeted for non-industrial redevelopment. Due to the large quantity of historic fill materials present at Site 3 and Site 1, historic fill will be managed in place and sitewide engineered barriers/caps will be constructed to prevent direct contact with residual soil impacts. The engineered barriers will be maintained with a continuing obligation/institutional control. Given the age and relative concentration of soil impacts, “hot spot” source control for soil is not required. However, select petroleum-rich soils may require offsite disposal if encountered during redevelopment as these materials cannot be reused onsite.

Groundwater. The potentiometric surface of shallow groundwater grades downward in a radial manner towards the Manitowoc River, which serves as a constant head boundary for groundwater. Select petroleum VOCs, PAHs, and/or dissolved heavy metals were detected in groundwater at concentrations greater than applicable ch. NR 140 WAC (NR 140) preventive action limits (PALs) and/or enforcement standards (ESs). Petroleum VOC and PAH impacts to groundwater appear attributable to historic releases in the former bulk petroleum storage areas at Site 3 and Site 1. Of particular focus, residual petroleum impacts to groundwater at Site 1 are located in areas targeted for redevelopment as new rights of way and redevelopment as a multi-family apartment complex. Heavy metal impacts to groundwater appear to originate from natural sources. Additionally, per- and polyfluorinated alkyl substances were detected at concentrations greater than proposed NR 140 PAL/ES groundwater quality standards. The source of per- and polyfluorinated alkyl substance impacts to groundwater appears to originate from offsite. Given the age and relative concentration of groundwater impacts, “hot spot” source control for groundwater is not required. Instead, residual groundwater impacts will be managed with a continuing obligation / institutional control.

Vapor Intrusion. Site 3 and Site 1 are currently vacant. Therefore, the vapor intrusion pathway cannot be quantitatively evaluated at this point. Although vapor intrusion is not a focus of this ABCA, groundwater with residual petroleum impacts may extend beneath the proposed apartment building on Site 1. As such, a building control technology (BCT) will be constructed beneath the apartment building and maintained with a continuing obligation / institutional control. Post-construction sub-slab vapor sampling will be conducted at the apartment building to determine if the BCT needs to be made active by adding a fan and the BCT system maintained through a continuing obligation. BCTs may also be warranted if buildings are constructed on Site 3 or elsewhere on Site 1.

Based on impacts identified to date, remedial action activities are warranted to facilitate proposed redevelopment. Future public infrastructure investments at the Property and the River Point District will include streets, trails, utilities, lighting and streetscape of over \$10M. It is estimated that the installation of the public improvements will lead to a mix of private investments ranging from residential condos and apartments to commercial and mixed-use buildings with a value of up to \$150M.

**Reference: Decision Memorandum; River Point District – Site 3 and Site 1; Manitowoc, Wisconsin**

Three remedial alternatives were evaluated in the Stantec (2021a) ABCA. Under the selected remedial alternative (Remedial Alternative 3), petroleum-impacted soil encountered during future development will be excavated and disposed of at a licensed solid waste landfill. Following, clean fill will be placed to raise the grade of the Site, which will result in creating an engineered barrier suitable to prevent direct contact with residual soil impacts. Clean fill is being generated during ongoing infrastructure upgrades in the City, which if approved for placement on the property by the Wisconsin Department of Natural Resources, could result in a considerable cost savings. Completion of the engineered barriers/caps is likely to include Site amenities (e.g., buildings, parking lots, concrete structures, landscaping, driving/parking surfaces).

Remedial Alternative 3 will cost-effectively provide for long-term reduction in the mobility, toxicity, and magnitude of impacts. Institutional controls will provide for long-term maintenance of the engineered barrier and will prevent groundwater consumption. Remedial Alternative 3 is considered the most reasonable and cost-effective approach to facilitate proposed redevelopment. Remedial Alternative 3 is the selected remedial alternative based on its short-term and long-term effectiveness, ability to be implemented within the proposed development, restoration time frame, economic feasibility, and sustainability.

**PUBLIC COMMENTS**

The Stantec (2021a) ABCA was published for public comment and notice given through the local newspaper on May 3, 2021 (see Attachment A). Adam Tegen, Community Development Director, accepted comments on the ABCA via telephone, email, mail, or in person through May 17, 2021. No comments were received during this time period.

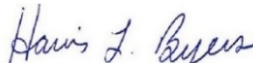
A public hearing was held in the Common Council Chambers of City Hall on Monday May 17, 2021 at 6:35 pm (see Attachment B) to offer the community an opportunity to provide comment on the ABCA. A video of the Council meeting can be viewed at: <https://manitowoc.legistar.com/LegislationDetail.aspx?ID=4953188&GUID=734BBDF4-14E9-4C16-8F17-6B54E1D331D4>. No comments were received during the public hearing.

**DECISION TO PROCEED**


Based on the factors presented in this Decision Memorandum, the project is ready to proceed pursuant to the ABCA, cooperative agreement between the City and USEPA, and approval of the RLF loan application by the Manitowoc Brownfields Advisory Committee.

We trust this information meets your needs and we look forward to working with you on this project.

Regards,  
**STANTEC CONSULTING SERVICES INC.**

  
Harris L. Byers, Ph.D.  
Sr. Brownfields Project Manager  
Tel: (414) 581-6476  
Email: Harris.Byers@Stantec.com

**STANTEC CONSULTING SERVICES INC.**

  
Richard J. Binder, P.G.  
QA/QC Manager  
Email: Rick.Binder@stantec.com

**REFERENCES**

- Stantec, 2020a, Phase II Environmental Site Assessment, Riverpoint District; Manitowoc, Wisconsin, March 23, 2020.
- Stantec, 2020b, State Eligibility Determination for Federal Petroleum Assessment Grant, 1110 Buffalo Street, Manitowoc, Wisconsin, May 18, 2020.

**Reference: Decision Memorandum; River Point District – Site 3 and Site 1; Manitowoc, Wisconsin**

Stantec, 2020c, Phase II Environmental Site Assessment, River Point District; Manitowoc, Wisconsin, 200 North 10th Street (Site 1), August 24, 2020.

Stantec, 2020d, Construction Documentation Report, 200 N 10th Street, Manitowoc, Wisconsin, November 4, 2020.

Stantec, 2020e, Construction Documentation Report for Demolition and Removal of Structural Impediments, River Point District – Site 3, December 11, 2020.

Stantec, 2020f, Phase II Environmental Site Assessment, River Point District; Manitowoc, Wisconsin, Site 3, December 18, 2020.

Stantec, 2021a, Analysis of Brownfield Cleanup Alternatives, 1110 Buffalo Street (Site 3) and 200 North 10th Street (Site 1), DRAFT May 4, 2021.

Stantec, 2021b, Site Investigation for Phase I Construction Area, in press.

## **LIMITATIONS**

This work was performed in accordance with generally accepted practices of the profession for performing similar studies at the same time and in the same geographical area. Stantec observed that degree of care and skill generally exercised by the profession under similar circumstances and conditions. No other warranty is expressed or implied.

Stantec observations, findings, and opinions must not be considered as scientific certainties, but only an opinion based on our professional judgment concerning the significance of the data gathered during the course of the investigation. Specifically, Stantec does not and cannot represent that the Site contains no hazardous or toxic materials or other latent condition beyond that observed by Stantec.

**ENCLOSURES:** Attachment A – Notice of Public Comment Period for ABCA  
Attachment B – Public Hearing Documentation

# **ATTACHMENT A**

## **Notice of Public Comment Period for ABCA**

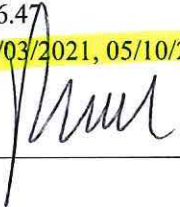
**STATE OF WISCONSIN  
BROWN COUNTY**

CITY OF MANITOWOC  
City Clerk  
900 QUAY ST.  
900 QUAY ST

MANITOWOC WI 54220 542204543

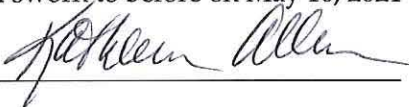
I, being duly sworn, doth depose and say I am an authorized representative of the Herald Times Reporter, a newspaper at Manitowoc Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number: GWM-306675  
Order Number: 0004716708  
Total Ad Cost: \$56.47  
Published Dates: 05/03/2021, 05/10/2021



Legal Clerk

State of Wisconsin  
County of Brown  
Subscribed and sworn to before on May 10, 2021

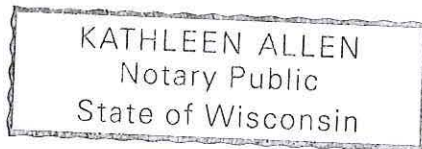


Notary Public State of Wisconsin, County of Brown

1-7-25

My Commission Expires

# of Affidavits 1  
This is not an invoice



City of Manitowoc, Wisconsin  
Notice of Public Comment Period for  
Analysis of Brownfields Cleanup  
Alternatives

Notice is hereby given that the City of Manitowoc has received a revised application from the Community Development Authority for Brownfield Revolving Loan funds to further support cleanup activities across the former CN Peninsula site located in and around 1110 Buffalo Street and 1 North 10th Street, Manitowoc, Wisconsin. A copy of the Analysis of Brownfield Cleanup Alternatives (ABCA) is available for public review at the City of Manitowoc Community Development Department, 900 Quay Street. Verbal or written comments about the ABCA may be submitted to Adam Tegen via email at [ategen@manitowoc.org](mailto:ategen@manitowoc.org), via telephone at 920-686-6930, or can be mailed to 900 Quay Street, Manitowoc, WI 54220. Comments should be submitted by May 14, 2021.

A public hearing will be held in the Common Council Chambers of City Hall in the City of Manitowoc on Monday, May 17, 2021, at 6:35 p.m. for the purpose of hearing any and all interested parties in the matter of the Analysis of Brownfield Cleanup Alternatives at the former CN Peninsula site located in and around 1110 Buffalo Street and 1 North 10th Street, Manitowoc, Wisconsin.

If you need accommodation for this meeting, please notify the office of the City Clerk at least 48 hours in advance of the meeting (or as soon as possible after the meeting is posted, if posted less than 48 hours prior to the meeting time) at 920-686-6950.

Dated: April 30, 2021  
Published May 3, 2021

Mackenzie Reed-Kadow, City Clerk  
PUBLISHED BY AUTHORITY OF THE  
CITY COUNCIL OF THE CITY OF MANITOWOC, WISCONSIN.

Run: May 3, 2021 WNAXLP

CITY OF MANITOWOC  
Re: 5/17 PH

# **ATTACHMENT B**

## **Public Hearing Documentation**



# City of Manitowoc

900 Quay Street  
Manitowoc, WI 54220  
www.manitowoc.org

## Meeting Agenda

### Common Council

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Monday, May 17, 2021

6:30 PM

Council Chambers  
Note-Meeting will also be available via Remote  
Conferencing (Zoom)

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Pursuant to Section 19.84(2) and (3) of the Wisconsin Statutes, notice is hereby given to the public, to the Herald-Times-Reporter, the official newspaper of Manitowoc, and to those news media who have filed a written request for this notice that a meeting of the above-referenced will be held at the date, time and location listed above.

This meeting is being conducted both in Council Chambers at City Hall and via Zoom to maximize opportunities for residents to attend. Those attending the meeting via Zoom who wish to give public input are asked to keep their microphone muted until public input is opened to improve audio quality for all attendees. Those using their phone to call in may hit \*6 to mute and unmute themselves. Members of the public may call to listen in at 888 475 4499 US Toll-free, Meeting ID: 893 9628 6649 Password: 669106.

Public input will be accepted at the meeting. Those wishing to make public comment in advance of the meeting should email [abaryenbruch@manitowoc.org](mailto:abaryenbruch@manitowoc.org) or call 920-686-6952 with their comment no later than 12:00 p.m. central the day of the meeting. Emailed public input will be attached to the agenda and made part of the public record.

The above governmental body will meet to discuss and possibly take action on the agenda items set forth below.

#### A. CALL TO ORDER

#### B. ROLL CALL

#### C. PLEDGE OF ALLEGIANCE & INVOCATION

#### D. PRESENTATIONS

[21-0447](#)

Presentation of Eagles Club Police Officer, Officer Kayla Rocklewitz and Firefighter of the Year, Captain Garrett Grissom

[21-0448](#)

MPU Presentation of Great Lakes Utilities Reciprocating Internal Combustion Engine Project Update

**Attachments:**

[2021-05-17 GLU RICE Project Update to Manitowoc City Council](#)

[21-0454](#)

Proclamation declaring the Month of May 2021 as Building Safety Month

**Attachments:**

[Building Safety Month 21](#)

[21-0483](#) Proclamation declaring the week of May 22nd - May 28th, 2021 as National Safe Boating Week

**Attachments:** [National Safe Boating Week 2021](#)

[21-0491](#) Proclamation declaring the month of May 2021, Asian American, Native Hawaiian, and Pacific Islander Heritage Month

**Attachments:** [Asian American Native Hawaiian and Pacific Islander Heritage Month](#)

## E. PUBLIC HEARINGS

[21-0450](#) 6:31 PM - Public Hearing for the purpose of hearing any and all interested parties in the matter of a proposed change in zone from R-1 Residential-Agricultural District to R-4 Single- and Two-Family District for the southern 25' of property located at 3201 Packer Lane

**Attachments:** [Public Hearing - Rezone 3201 Packer Lane](#)

[21-0451](#) 6:32 PM - Public Hearing for the purpose of hearing any and all interested parties in the matter of a proposed Conditional Use Permit for the establishment of an Adult Day Care Facility located at 2005 Johnston Drive

**Attachments:** [Public Hearing - CUP Johnston Dr](#)

[21-0452](#) 6:33 PM - Public Hearing for the purpose of hearing any and all interested parties in the matter of a proposed Adaptive Reuse Conditional Use Permit for the establishment of an Office, Employee Training, and Remote Monitoring located at 1004 N. 17th Street

**Attachments:** [Public Hearing - CUP N. 17th St](#)

[21-0453](#) 6:35 p.m. - Public Hearing for the purpose of hearing any and all interested parties in the matter of the Analysis of Brownfield Cleanup Alternatives at the River Point District (former CN Peninsula site) located in and around 1110 Buffalo Street and 1 North 10th Street, Manitowoc, Wisconsin

**Attachments:** [Public Hearing - Brownfields Cleanup](#)  
[R1 Site 1 and Site 3 ABCA](#)

## F. PUBLIC INPUT

*Members of the public will be permitted to speak at the Common Council meeting each month on any matter of public interest. The comments from each speaker shall be limited to five minutes in length unless extended by action of the Common Council.*

[21-0449](#) Previously Submitted Public Input

**Attachments:** [Public Input - Campbell](#)  
[Public Input - Koldoff](#)

## G. APPOINTMENTS AND BUSINESS PRESENTED BY THE MAYOR



[21-0481](#) Appointments by Mayor to various Committees, Boards, and Commissions.

## H. CONSENT AGENDA

*These items will be approved by one motion unless any member of the Council wishes to remove an item for discussion.*

### 1. Removal of Consent Agenda Items

*Any Common Council Member may request removal of any item from the consent agenda, and such item shall be removed without debate or vote. Any item or part thereof removed from the consent agenda shall be separately considered.*

### 2. Miscellaneous

[21-0443](#) Minutes of April 19, 2021 Common Council meeting, recommending approval and place on file.

**Attachments:** [4-19-21 Minutes](#)

[21-0444](#) Minutes of April 20, 2021 Common Council Organizational Session, recommending approval and place on file

**Attachments:** [4-20-2021 Minutes](#)

[21-0445](#) Communication from Wisconsin DNR relative to Water Main Plan and Specification Approval for water main replacement on Custer Street, recommending acceptance and place on file.

**Attachments:** [Water Main Plan and Specification Approval - Custer Street](#)

[21-0446](#) Communication from Wisconsin DNR relative to Water Main Plan and Specification Approval for water main extension on River Point Drive, York Street, North 11th Street, and Buffalo Street; recommending acceptance and place on file

**Attachments:** [Water Main Plan and Specification Approval - River Point Dr, York St, N 11th St](#)

[21-0455](#) Resignation from Fred Hazlewood from Library Board effective June 1, 2021, recommending acceptance and place on file

**Attachments:** [Hazlewood Resignation](#)

### 3. Committee of the Whole (Consent)

[21-0459](#) Report of Special Events Committee relative to approval of the following events: Cares Enough to Wear Pink Walk/Run on 10/23/2021; Carferry Maiden Voyage on 5/20/2021; Manitowoc Sunrise Rotary Annual Lighthouse on 7/4/2021; WAIVER OF FEES: End of Year Celebration on 6/2/2021; 8th Grade Farewell on 6/8/2021; recommending acceptance of report and place on file

**Attachments:** [SE Report - Committee Approval](#)  
[Cares Enough to Wear Pink](#)  
[Carferry Maiden Voyage](#)  
[Annual Lighthouse Tour](#)  
[End of Year Celebration](#)  
[8th Grade Farewell](#)

#### 4. Finance Committee (Consent)

[21-0305](#) 1st Quarter 2021 Internal Controls Report, recommend to accept and place on file.

**Attachments:** [Check List for Finance Committee](#)

[21-0307](#) 2021 CAWG Request Update, recommend to accept and place on file.

**Attachments:** [Log of CAWG Requests](#)

[21-0420](#) Request from Manitowoc County Expo/Fair entertainment pavilion purveyors to extend live band music performances on Friday, August 27 and Saturday, August 28, 2021 to 11:30 p.m. with beer sales ending at Midnight and with music stopping at 11:00 p.m. on Tuesday, Wednesday, Thursday, and Sunday and beer sales discontinuing at 11:30 p.m., recommending to approve the request.

**Attachments:** [Fair Request](#)

[21-0421](#) 2021 - 1st Quarter Budget Exception Report, recommend to accept and place on file.

**Attachments:** [2021\\_1st QTR Budget Exception Report for Finance](#)

[21-0423](#) 2021 - 1st Quarter Claims Report, recommend to accept and place on file.

**Attachments:** [2021 Claims Report to Finance Committee Jan to March 2021](#)

[21-0424](#) Request to rescind 2020 real estate taxes in the amount of \$18,881.45 due to palpable error on Real Property Parcel 000-120-070, Wisconsin Public Service Corp., recommend to rescind the taxes.

**Attachments:** [Accurate Letter](#)

- [21-0429](#) Delinquent Payment Event Filing, recommend to accept and place on file.
- Attachments:** [Memo - Finance Committee - Delinquent Payment Event Filing](#)  
[4.1.2021 Delayed Payment Event - Associated Bank Response](#)  
[4.1.2020 Delayed Payment Event Filing](#)
- [21-0430](#) Request to reimburse fees for closure of Popp's Riverwalk Citgo, Inc., recommend to approve the request in the amount of \$250.00.
- Attachments:** [Popp License Reimbursement](#)  
[Clerk Memo - Reimbursement](#)
- [21-0431](#) Fund statement balance from Lakeshore Community Foundation for K-9 Preservation Fund, recommend to accept and place on file.
- Attachments:** [Q1 2021 - City of Manitowoc K-9 Preservation Fund](#)
- [21-0432](#) Forestry Budget Transfer to Public Works, recommend to create Forestry line for budget in the Public Works budget.
- Attachments:** [Memo PI Break Out Forestry Budget](#)  
[Forestry Budget Final](#)
- [21-0460](#) Report of Finance committee to grant the various licenses subject to approvals, inspections, insurance, payment of license fees and meeting State Statute requirements, as detailed therein
- Attachments:** [LPI Licensing Report](#)
- [21-0461](#) General City Claims in the amount of \$2,456,692.25 enumerated on list thereof, recommending that the claims be allowed and ordered paid and Mayor, Clerk and Finance Director/Treasurer are instructed to issue the necessary order.
- Attachments:** [May Committee Report on Claims](#)  
[4-23-2021](#)  
[4-27-2021](#)  
[4-30-2021](#)  
[5-7-2021](#)  
[5-14-2021](#)
- [21-0464](#) Report of the Industrial Development Corporation; recommending to approve of a lease with AMMO, Inc.
- Attachments:** [5-12-21 IDC Report to Council](#)

## 5. Personnel Committee (Consent)

[21-0467](#) Manitowoc Professional Firefighters International Association of Firefighters Local 368 executed contract, recommending to accept and place on file.

**Attachments:** [Executed Fire Contract](#)

## 6. Public Infrastructure Committee (Consent)

[21-0433](#) Manitowoc Public Utilities Estimate #E2021-11 Reconfigure 8th & Maritime Drive, recommending approval

**Attachments:** [21-0433 MPU Estimate for 8th & Maritime Dr.pdf](#)

[21-0436](#) Request for Access over Unimproved Right of Way on Braun Court, recommending approval

**Attachments:** [21-0436 Access over unimproved Right of Way on Braun Ct.pdf](#)

[21-0437](#) Lakeshore Mini Storage LLC Stormwater Management Facility Maintenance Agreement, recommending approval and entering into the agreement

**Attachments:** [21-0437 Lakeshore Mini Storage Stormwater Maintenance Agreement.pdf](#)

[21-0438](#) Request to break out a separate Forestry Budget from the Parks Budget, recommending approval

**Attachments:** [21-0438 Forestry Division Budget.pdf](#)

[21-0468](#) Agreement for Professional Services with Collins Engineers, Inc. for Underwater Bridge Inspections, recommending to place on file

**Attachments:** [Collins Engineers Agreement](#)

[21-0469](#) Outdoor Recreation Aids Grant Contract with WI DNR for Camp Vits Public Access Development, recommending to place on file

**Attachments:** [Vits Public Access Contract](#)

[21-0470](#) Outdoor Recreation Aids Grant Contract with WI DNR for Bayshore Recreation Trail Development, recommending to place on file

**Attachments:** [Bayshore Trail Agreement](#)

[21-0471](#) Report of Board of Public Works of 4/21/2021, of a request for a Sidewalk Privilege Agreement located at 1033 S. 8th Street for the reconstruction of the stair entrance, recommending to approve the request and have the City Attorney draft the agreement

**Attachments:** [Report of BPW - SPA 1003 S. 8th St](#)  
[SPA Photos](#)

[21-0472](#) Report of Board of Public Works of 4/21/2021 of approval to enter into AGMT-21-09 with Philippi Quality Construction, Inc for Red Arrow Park building upgrades for a contract price of \$23,528.00, recommending acceptance and place on file

**Attachments:** [Report of BPW - AGMT-21-09](#)  
[AGMT-21-09](#)

[21-0473](#) Report of Board of Public Works of 4/21/2021 of approval to enter into AGMT-21-08 with Fortress Fence, for installation of high galvanized chain link fence at Municipal Field, for a contract price of \$15,560.00, recommending acceptance and place on file

**Attachments:** [Report of BPW - AGMT-21-08](#)  
[AGMT-21-08](#)

[21-0474](#) Report of Board of Public Works of 4/21/2021 to adopt the Emergency Resolution to Authorize Emergency Repair/Replacement of Fuel Pumps at Streets Shop, recommending acceptance and place on file.

**Attachments:** [Report of BPW - Resolution](#)  
[Emergency Resolution](#)

[21-0475](#) Report of Board of Public Works of 5/5/2021 of approval to enter into AGMT-21-10 with Hamann Construction for work at Washington Park Bathroom for a contract price of \$14,937.00; recommending acceptance and place on file

**Attachments:** [Report of BPW - AGMT-21-10](#)  
[AGMT-21-10](#)

[21-0476](#) Report of Board of Public Works of 5/5/2021, of a request for a Sidewalk Privilege Agreement amendment located at 812 S. 8th Street, recommending to approve the request contingent on receiving the updated legal description and to have the City Attorney draft and amended sidewalk privilege agreement

**Attachments:** [Report of BPW - SPA 812 S 8th St](#)

[21-0479](#) Report of Board of Public Works of 5/5/2021, of bids received for Building Automation System Upgrades for Safety Building & City Hall, WB-21-21, recommending awarding upgrades for Safety Building to AES, Inc in the amount of \$159,764.00 and upgrades for City Hall to Automated Logic Wisconsin in the amount of \$59,931.00

**Attachments:** [Report of BPW - WB-21-21](#)  
[Memo WB-21-21](#)

[21-0484](#) Report of Board of Public Works of final payments to contractors for Agreements under \$25,000.00, recommending acceptance and place on file.

**Attachments:** [Report of BPW - Final Payments](#)

## 7. Public Safety Committee (Consent)

## 8. Plan Commission (Consent)

[21-0401](#) PC 11-2021: Langman Holdings LLC/ Vista Care / Priority One Investments: Request for a Conditional Use Permit pursuant MMC 15.370(29) for the establishment of an Adult Day Care Facility, located at 2005 Johnston Drive; recommending to approve the request for a Conditional Use permit for the establishment of an Adult Day Care Facility for up to 40 individuals pursuant to the submittal packet and provided conditions

**Attachments:** [21-0401 Report to Council Vista Care 2005 Johnston Dr.pdf](#)  
[21-0401 PC Report Vista Care 2005 Johnston Dr.pdf](#)

[21-0402](#) 14-2021: Vista Care / Priority One Investments: Request for an Adaptive Reuse Conditional Use Permit pursuant to 15.150(3)k for the establishment of an Office for Training and Remote Monitoring located at 1004 N. 17th Street; The Community Development Department recommends approval of an Adaptive Reuse Conditional Use Permit to Vista Care / Priority One Investments for property located at 1004 N. 17th Street for the establishment of an Office, Training and Monitoring Center with conditions as listed

**Attachments:** [21-0402 Report to Council Vista Care 1004 N 17th St.pdf](#)  
[21-0402 PC Report Vista Care Adaptive Reuse CUP 1004 N 17th.pdf](#)

[21-0404](#) PC 13-2021: Schmitz; Release of Easement, 3201 Packer Lane; recommending to approve the request for the Release of Easement

**Attachments:** [21-0404 PC Report Schmitz Easement release Packer Lane.pdf](#)  
[21-0404 Report to Council schmitz easement release.pdf](#)

[21-0405](#) PC 9-2021: City of Manitowoc, Matters Referred to Plan Commission Rahr-West Art Museum; Review of Building Addition Site Plan pursuant to WI Statute 62.23(5), recommending approval of the concept and construction of the Rahr-West Art Museum addition

**Attachments:** [21-0405 Report to Council Rahr West elevator.pdf](#)  
[21-0405 PC Report Rahr West Building Addition.pdf](#)

## I. COMMITTEE REPORTS

### 1. Committee of the Whole

[21-0456](#) Proposal from Herald Times Reporter to publish Council proceedings, legal notices, display ads and ordinances, for the contract year beginning June 1, 2021.

**Attachments:** [HTR Proposal](#)

[21-0457](#) Ordinance to repeal Section 3.330 of the MMC disbanding the Citizens Advisory Committee

**Attachments:** [Ordinance Disbanding WCitizens Advisory Committee](#)

[21-0458](#) Report of Special Events Committee relative to approval of the following events: Metro Jam on 8/20 - 8/21/2021 ( Waiver of rules prohibiting alcohol in the park; closure of S 12th Street between Washington & Marshall Streets); Lincoln High School Graduation on 6/11/2021 - Rain Date of 6/12/2021 (Street Closures: S 9th from Columbus to Green Streets and S 8th south of Columbus Street); Manitowoc's Garden Faire Extraordinaire (Closure of s 11th & S 12th Streets between Washington and Marshall Street); Maritime Bay Classic on 6/21 - 6/22/2021 (Street closures: Maritime Dr. from N 8th St. to Buffalo St.; Chicago St from N 8th St to Maritime Dr., and N 8th St from Maritime Dr. to Chicago St.; Additional street closures on day 2: Buffalo St. from N 6th St to Maritime Dr. and N 6th St from Buffalo St. to Maritime Dr.)

**Attachments:** [SE Report - Events needing Council Approval](#)

[Metro Jam](#)

[Lincoln High School Graduation](#)

[Garden Faire Extraordinaire](#)

[Maritime Bay Classic](#)

## 2. Finance Committee

[21-0427](#) Potential Lease of Property to AMMO, Inc.

**Attachments:** [Letter to Kathleen McDaniel and Adam Tegen \(EMailed\) - City of Manitowoc..](#)

[21-0462](#) Request from Chewy's LLC for permanent premise extension to include table and chairs located outside along the north side of the building for Sidewalk Cafe Permit

**Attachments:** [Extension of Premise - Chewy's Permanent](#)

[21-0463](#) Request from Chewy's LLC for temporary premise extension into the closed section of Buffalo Street for a event on July 10, 2021

**Attachments:** [Extension of Premise - Chewy's Temporary](#)

## 3. Personnel Committee

[21-0465](#) Resolution to Hire Seasonal Employees Related to Elected Officials, Department Heads, or Supervisory Personnel

**Attachments:** [Res Seasonal Employee](#)

[21-0466](#) Resolution to Revise Employee Policy Manual Language Update-May, 2021

**Attachments:**

[Res EPM Updates PC Com. May 2021](#)

[Memo to Council re EPM Revisions 05.2021](#)

[DRAFT EPM w 05.2021 revisions-CLEAN COPY FOR COUNCIL](#)

[Draft EPM 05.2021 revisions for Council](#)

#### 4. Public Infrastructure Committee

[21-0418](#) Ordinance to amend MMC § 8.170, Names and Locations of Parks

**Attachments:**

[Ord to Amend 8.170 Names and Locations of City Parks.pdf](#)

[21-0425](#) Request to use Schuette Park Donation Tube Funds for maintenance project for Community Built Playground

**Attachments:**

[21-0425 Schuette Park Community Built Playground Maintenance Project.pdf](#)

[21-0426](#) Request to use funds from the Miracles Donation tube for Miracles Field Fence Repair

**Attachments:**

[21-0426 Miracles Field Fence Repair.pdf](#)

#### 5. Public Safety Committee

[21-0480](#) Ordinance to amend Section 15.430(12) of the MMC regulating parking Areas Development and Maintenance

**Attachments:**

[Ord to set forfeiture 15.430](#)

[Memo re bond amount](#)

#### 6. Plan Commission

[21-0482](#) Ordinance for a rezone from R-1 Residential-Agricultural District to R-4 Single- and Two-Family Residential District for property located at 3201 Packer Lane.

**Attachments:**

[Ordinance PC 10-2021 R-1 to R-4](#)

[Rezone Memo](#)

#### J. OTHER BUSINESS

#### K. ADJOURN

*1.Next Scheduled Common Council Meeting: Monday, June 21, 2021 at 6:30pm in the Common Council Chambers at City Hall.*



In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA), the City of Manitowoc will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. If you need assistance or reasonable accommodations in participating in this meeting or event due to a disability as defined under the ADA, please call the City Clerk's office at 920-686-6950 or the City's ADA Coordinator at (920) 686-6990 or e-mail [cityattorney@manitowoc.org](mailto:cityattorney@manitowoc.org) at least 48 hours prior to the scheduled meeting or event to request an accommodation. For additional assistance, individuals with hearing or speech disabilities can call 711 and be connected to a telephone relay system.

**Mackenzie Reed-Kadow**  
City Clerk