

BROWNFIELDS ADVISORY COMMITTEE MINUTES - 7/15/2014

Plan Commission Offices  
Manitowoc City Hall

Regular Meeting  
Brownfields Advisory Committee  
Thursday  
July 15, 2014  
10:00 A.M.

I. CALL TO ORDER

The meeting of the Manitowoc Brownfields Advisory Committee (BAC) was called to order by David Less, City Planner at 10:00 A.M.

II. ROLL CALL

Members Present

Dennis Tienor  
Michaelleen Golay  
Terence P. Fox  
David Diedrich  
Erik Hoyer  
Karen Szyman

Members Excused

Rich Hoerth  
Connie Loden

Staff Present

David Less  
Paul Braun

Others Present

None

III. APPROVAL OF MINUTES of the Regular June 12, 2014 Meeting.

Motion by: Mr. Hoyer

Moved that: the minutes be approved as presented.

Seconded by: Ms. Golay

Upon Vote: the motion was approved unanimously.

IV. COMMUNITY-WIDE ASSESSMENT GRANT – PROJECT UPDATE AND OUTCOMES

Stephanie Hinz, Symbiont, 6737 Washington, West Allis stated that the closure request had been filed with the DNR for the former Heresite property, and then provided an update on other projects: (i) former Mirro Plant #3; (ii) former Mirro Plant #9; and (iii) 1615 Spring Street (former Rockwell Lime property).

Ms. Hinz explained that Symbiont had completed work for the Phase 2 report at Mirro Plant #3, and noted that the property owner had been provided with a completed spills notice that under law was to be sent to the DNR, but that the owner had not yet submitted this report to the DNR. Ms. Hinz stated that she would follow up with the owner to advise him that he was required to file the notice with the DNR, or that the City would do so.

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Mr. Less requested that Ms. Hinz prepare an email to the current property owner advising him of his responsibilities in this matter.

Ms. Hinz then provided an update on the Mirro Plant #9 property, and explained that the application for a Site Assessment Grant (SAG) recently filed with the WI Economic Development Corporation (WEDC) was still being reviewed in Madison, and that the City was waiting for the award from the WEDC which she expected to be issued either this Friday, or at the end of July.

Mr. Less explained that this SAG for Mirro Plant #9 would complete the assessment needed in the remaining buildings at the property, and that Mr. Braun would take on the responsibility to oversee the implementation of that grant, as he would not be employed by the City after August 1<sup>st</sup>.

Mr. Less then reminded the BAC that regarding Mirro Plant #3, the project needed both WHEDA Low Income Housing Tax Credits (LIHTC's), and federal and State historic investment tax credits. Mr. Less noted that the original WHEDA funding request had not been approved, but a new application to WHEDA under its High Impact Project Reserve (HIPR) category would be filed by the end of July by the project developer, with the hopeful funding announcement sometime in the 3<sup>rd</sup> quarter of 2014. Mr. Less then advised that regarding the State's historic investment tax credits, the moratorium that had been placed on future allocations of State historic tax credits had been lifted, and explained that this was beneficial to this project, if the developer could secure LIHTC's. Mr. Less noted that he had talked with Bob Lemke, who was aware of the findings of the Phase 2 report, and encouraged him that their enrollment in the EPA RLF would be great for this project, and for the City to launch their RLF program.

Mr. Less added that if the EPA site assessment grant had to have its contract term extended (as a portion of that grant was allocated to the Mirro Plant #9 SAG application), that Symbiont would have to file that timely request with EPA.

Mr. Hinz stated that the City should be fine, and if the extension had to be requested, she did not see this request as being problematic for EPA to extend the grant contract term. Ms. Hinz added that all the remaining funds under the EPA assessment grant were allocated to the Mirro Plant #9 project, as well as the Rockwell Lime project. Finally, Ms. Hinz commented on the status of the former Rockwell Lime property, and advised that the contractor was delaying the removal of the No. 6 fuel oil for a few weeks, due to problems related to the transport of the product. Ms. Hinz noted that the delay should only be 1-2 weeks.

Additional discussion was held. No action was taken.

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### V. REVOLVING LOAN FUND (RLF) GRANT – REVIEW OF RLF APPLICATION, AND RLF POLICIES AND PROCEDURES MANUAL

Mr. Less provided new draft forms to the BAC, and reviewed the policies and procedures document, as well as the application document for the RLF program. Mr. Less stated that his intention was to have the BAC approve these documents today, and forward a recommendation to Council to approve them. Mr. Less continued that his plan was to have Council approve the documents on July 21<sup>st</sup>, after which he would forward them to EPA for their review and approval.

Mr. Less stated that the purpose of this discussion was to end up with documents that would simplify this complex program, as much as possible. Mr. Less added that while he hoped Bob Lemke and the Mirro Plant #3 project would be the first to move through this program, he was concerned that he didn't have a firm grasp on how quickly it would take to move a prospective borrower through the entire process.

Harris Byers, Stantec, 12075 Corporate Parkway, Mequon, explained that the field documents and checklists that would be used by Stantec had been reviewed by the BAC at the previous meeting, so today's discussion would not include those items.

Mr. Diedrich felt that a cross reference regarding Davis-Bacon wage rates should be added into the application which would reference back to the section of the policies and procedures document where the law was discussed.

Mr. Fox questioned the intent behind the application question on p. 5 dealing with whether or not an officer was involved in litigation over the past 5 years, and questioned its purpose?

Mr. Less commented that this question was the same that was on the intake instrument from the WEDC.

Mr. Fox felt that it seemed awkward that if an owner was involved in a divorce or other personal injury action pending, that they would have to indicate that they were involved in a lawsuit.

Ms. Hinz commented that it was one of the questions asked by the WEDC on their intake instrument, and that if the answer to the question was "yes", that there was an opportunity to explain the circumstances. Ms. Hinz added that the WEDC asked that question to understand if there were any insolvency issues with a business.

Mr. Fox replied that the question should then be re-stated to ask about insolvency proceedings.

Mr. Diedrich stated that it was a good idea if the application could be useful for multiple uses and programs.

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BAC members discussed the documents, and made some additional minor text change recommendations. The BAC continued its discussion, with a particular focus on re-formatting and re-labelling of Table 1 that was part of the application document.

Mr. Less asked Mr. Byers to provide the revisions to Table 1, and to clean up the documents for delivery to Council.

Mr. Less then recommended that the BAC recommend to Council: (i) that it approve the attached documents, subject to any changes required by EPA; (ii) that upon Council approval, the City Planner be authorized to forward the documents to EPA for its review and approval; (iii) that if there were additional minor and non-significant changes to the documents requested by EPA, that they be incorporated into the final version of the document without any further approval required by the City Council; and (iv) that upon approval of this report, that the BAC move forward as the City's agent to implement the policies and procedures of the BRLF program as outlined in the attachments.

Motion by: Ms. Szyman

Seconded by: Mr. Diedrich

Moved that: the BAC approved the Planner's recommendation above.

Upon Vote: the motion was approved unanimously.

VI. DISCUSSION REGARDING COMMUNITY MEETING TO INTRODUCE RLF PROGRAM

Additional discussion was held, with the BAC concurring that these drafts needed to be approved by Council and EPA before proceeding to a public meeting on the RLF program. Mr. Less stated that once Council and EPA approved the document, it would then be time for Mr. Braun to call for the public meeting.

BAC members felt that the best time to convene the public meeting would be after Labor Day and before Thanksgiving.

No action was taken.

VII. NEXT MEETING DATE

No discussion was held on this topic.

VIII. ADJOURNMENT

The meeting was adjourned at 10:40 A.M.

Respectfully Submitted,

David Less  
City Planner