

COW  
1-29-18

**RESOLUTION AUTHORIZING SETTLEMENTS  
WITH RESPONSIBLE PARTIES AT  
THE NEWTON GRAVEL PIT UNDER NR 292**

WHEREAS, the City of Manitowoc is the owner of the Newton Gravel Pit on Hecker Road, and has engaged in significant environmental remediation work related to groundwater contamination at that site; and,

WHEREAS, the Common Council directed the City Attorney to engage legal counsel and engage in a cost recovery action under Wis. Admin. Code. NR 292 to attempt to recoup expenses from parties known to have contributed to environmental contamination at the site; and

WHEREAS, the Common Council, during a closed session meeting on January 29, 2018, directed the Mayor and City Attorney as to appropriate settlement amounts with each of the contributing parties based on the advice of internal and external legal counsel.

NOW THEREFORE BE IT RESOLVED, by Mayor Justin M. Nickels and the Common Council of the City of Manitowoc that Mayor Justin M. Nickels and City Attorney Kathleen M. McDaniel are authorized to sign settlement agreements on behalf of the City with each of the contributing parties who are willing to settle within the parameters authorized by the Common Council.

BE IT FURTHER RESOLVED that any such settlement agreements shall be provided to the City Clerk and forwarded to the Common Council at their next regularly scheduled meeting for record-keeping purposes.

BE IT FURTHER RESOLVED that the Finance Director is authorized to cooperate with the contributing parties for receipt of financial settlements.

INTRODUCED 1-29-18 ADOPTED \_\_\_\_\_ APPROVED \_\_\_\_\_

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Justin M. Nickels, Mayor

This resolution was drafted by Kathleen M. McDaniel, City Attorney

Fiscal Impact: \$6,000,000 demanded, recovery to be within parameters set by Council  
Funding Source: Environmental Revenue Lines, 4500  
Finance Director Approval: /sc  
Approved as to form: /kmm