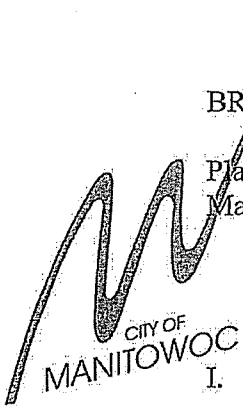


14-1472

BROWNFIELDS ADVISORY COMMITTEE MINUTES - 5/22/2014

Plan Commission Offices
Manitowoc City Hall

Regular Meeting
Brownfields Advisory Committee
Thursday
May 22, 2014
10:00 A.M.



David Less
City Planner

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

Karen Szyman
Michaelleen Golay
Erik Hoyer
Dennis Tienor
Connie Loden
Terence P. Fox

Members Excused

Rich Hoerth
David Diedrich

Staff Present

David Less

Others Present

See Attached Sign In Sheet



OFFICE OF CITY PLANNING
CITY PLAN COMMISSION

III. APPROVAL OF MINUTES of the Regular March 6, 2014 Meeting.

Motion by: Mr. Hoyer

Seconded by: Mr. Fox

Moved that: the minutes be approved as presented.

Upon Vote: the motion was approved unanimously.

Mr. Less explained that regarding the draft RLF documents distributed to the BAC, his overall objective was to get the BAC to ultimately recommend approval of the documents to the City Council.

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

Mr. Less identified the 3 major projects underway related to this grant – the 20-acre former Heresite property, and former Mirro Plant #3 and #9 properties. Mr. Less explained the work done at these properties.

Stephanie Hinz, Symbiont, 6737 Washington, West Allis commented that regarding the former Heresite property, Symbiont's additional soil and groundwater testing found no PCB contamination in the groundwater, and any soil contamination was below industrial direct contact standards. Ms. Hinz added that as long as the property remained zoned and used for industrial, no additional capping of the soil, or other site



BROWNFIELDS ADVISORY COMMITTEE MINUTES - 5/22/2014

requirements would be required at the property, but noted that if used for residential in the future, there might be some additional restrictions to be addressed at that time.

Mr. Less commented that a closure request would be filed by Symbiont with DNR in the next week or so.

Mr. Less explained that the former Mirro Plant #3 project was a planned conversion of the 5-story building into 40 affordable rental housing units. Mr. Less noted that on the historic side, the Department of the Interior had approved a Part I application identifying the property as being eligible for placement in the National Register of Historic Places, and would set the table for securing historic investment tax credits at the State and federal levels. Mr. Less continued that on the WHEDA side, there was major staff turnover in the multifamily housing division, and as a result of some policy deviations, the project had not been immediately funded with low income housing tax credits (LIHTC). Mr. Less noted that the project would not move forward without securing both the historic, and LIHTC's. Mr. Less explained that there were recognized environmental conditions (RECs) related to this property.

Ms. Hinz explained that for former Mirro Plant #3 property, the vacant parcel on the west side of So. 25th came back clean, as did the soil for the entire property including the existing building site. Ms. Hinz continued that there were some Volatile Organic Compounds (VOC) and solvents in the groundwater below the garage area, which were found to be above identified regulatory levels. Ms. Hinz added that they followed this up with some vapor intrusion testing, and found subslab samples to be above regulatory levels, while the ambient air samples in the garage were below standards. Ms. Hinz added that things would be fine as long as the garage area was not converted into living space, noting that the subslab samples came back below nonresidential standards, but above residential standards. A spill notice would be required, and felt that a year of monitoring would be required in this area. Ms. Hinz continued that lead-based paint was found throughout the 5-story building. Ms. Hinz added that there was also a fair amount of ACM in the building. Ms. Hinz noted that her estimate for lead abatement and ACM abatement were both approximately \$100k each, with an additional \$50k anticipated for establishing a groundwater network and monitoring wells at the project.

Mr. Less noted that DNR would likely identify Bob Jagemann as a responsible party at the property, if the redevelopment project did not move forward. Mr. Less added that if funded by WHEDA, this could be a great first RLF loan to put into place. Mr. Less hoped WHEDA's current action to not fund would be remedied and corrected in the very near future.

Mr. Less explained that for Mirro Plant #9, a Site Assessment Grant (SAG) application was going to be submitted to the WEDC for additional assessment work at the remaining buildings in the complex. Mr. Less clarified that this was assessment work, and not remediation. Mr. Less updated the BAC on the status of the current project, and noted that the assessment work would need to be done for the remaining buildings before any subsequent demolition could take place at the property.

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Ms. Hinz then explained the details of the anticipated SAG application for 1512 Washington, and hoped that it would be delivered to the WEDC on or before mid-June. Ms. Hinz noted that due to transformer problems, the stained concrete inside the buildings needed to be handled differently (landfilled vs. recycled), and added that the DNR had told the property owner to not proceed on the project until the assessment work to be covered under the SAG had been completed, and a plan and profile of problem areas was identified and clarified. Ms. Hinz commented on other aspects of the proposed assessment work.

Mr. Less noted that the property owner's investment in the SAG was currently estimated to be under \$5,000, with the downside risk for the owner being what else might be discovered, as he had been identified as the responsible party by the DNR. Mr. Less added that if the SAG was funded, the City would be requiring the owner to pay the City upfront before it signed a grant contract with WEDC. Mr. Less noted further that the City, at present, had only issued a demolition permit for the 3-story building, and that a new demolition permit would be required to go further, based upon terms and conditions to be determined and negotiated by and between the Mayor and Council, and property owner.

Ms. Hinz stated that the owner wanted to next demolish the 5-story portion of the structure. Ms. Hinz added that the SAG was a good next step for the City to take.

Mr. Less commented that he hoped to have the grant contract in hand before he retired on August 1st, so as to work through the project details, and to extract the capital from the property owner as required by the grant.

Ms. Less then advised the BAC of the status on remediation work to begin this summer at 1615 Spring Street (former Rockwell Lime property). Mr. Less noted that the past performance/investment information had been secured from the property owner. Mr. Less stated that Mr. Koski would have to authorize Veolia to proceed.

Mr. Koski asked if there was a certain time period in which to proceed?

Ms. Hinz stated that the temperatures still needed to warm, and felt that the work should commence the week after July 4th. Ms. Hinz noted that the work would have to be completed by the time the EPA Assessment Grant expired.

Mr. Less asked Mr. Koski to copy Mr. Braun and himself on anything coming out of his department, so that they could stay on top of the remediation project.

Additional discussion was held. No action was taken.

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

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Mr. Less explained that he had sent out drafts of the application, a policies and procedures manual, and draft field inspection checklists and forms, related to the RLF grant program. Mr. Less commented that his plan was to have the BAC review and recommend approval to Council, noting that under the plan, the BAC would be the entity to review and approve loans under the RLF program. Mr. Less added that he wanted to utilize the same model for the EPA RLF loan approvals that had been established in the past by the City Council for existing RLF's. Mr. Less noted that the Council wanted to reorganize the current Planning department, and it wasn't clear at this time what the department would be called or look like in the near future.

Harris Byers, Stantec, 12075 Corporate Parkway, Mequon, explained the reasoning behind the RLF grant funding, and the framework for the draft documents that had been prepared. Mr. Byers noted that the application and policies/procedures manual were foundational documents for the program. Mr. Byers added that the application utilized the WEDC application/intake format, as it would be useful in the event a prospect was seeking parallel funding from the RLF as well as the State, noting that these projects typically utilized multiple funding sources. Mr. Byers explained the main changes to the application document. Mr. Byers noted that he wanted the BAC to review the draft documents, particularly in the area of financial statement requirements, and to provide him with any comments prior to the next meeting. Mr. Byers noted that BAC member should contact him with any technical questions regarding the documents provided, or the program. Mr. Byers added that his intent was to make a simplified application document, and added that their role was to serve as the City's fiduciary representative on the grant and project.

Mr. Less clarified that Stantec was not the qualified environmental professional (QEP) that would actually perform remediation at a site, but rather would oversee, on behalf of the City, the proposed and actual remediation performed at a site by the borrower's selected QEP.

Mr. Byers emphasized that their role was to make sure there were no data gaps in the proposed work to be done, to review the remediation, to determine if it was reasonable, and to peer review the work of others. Mr. Byers added that to assure the shovel readiness of a project, he felt that prospective borrower/property owner should have the property enrolled in the DNR's program, and should have an approved site investigation and remedial action plan approved by the DNR prior to moving forward with loan consideration by the BAC and cleanup. Mr. Byers continued that Stantec would be handling monitoring for the City under its contract, including compliance with the federal Davis-Bacon Act and its wage rate requirements. Mr. Byers explained that Stantec's role was to provide a peer review of the work of the QEP hired by the borrower, and to provide an unbiased review to the City so as to minimize risk in these projects. Mr. Byers noted that the new AAI standard would need to be referenced in the documents, as it was now in effect.

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Mr. Less stated that staff would rely heavily on the attorney and lenders on the BAC for their critical input, and emphasized the importance of reviewing the policy manual, to make sure that it was not onerous.

Mr. Byers emphasized that BAC members should contact him if anything was confusing in the draft documents.

Mr. Tienor asked when Stantec would become involved in the process?

Mr. Byers replied that they would get involved at the time the client had their initial meeting with the City, so as to be involved from the start. Mr. Byers added that the actual peer review would begin upon delivery of the application and the supporting documents.

Ms. Loden asked when the required application fee would be payable?

Mr. Less stated that the proposal had a \$500 application fee paid at the time the application was filed with the City.

Mr. Braun explained that this would be similar to the City's site plan review process.

Mr. Tienor stated that once the word was out that funding was available for remediation, he expected prospective borrowers to come forward who might not have done the pre-requisite environmental studies required, and asked how we were to proceed in that situation.

Mr. Less replied that the RLF program could not fund assessment work, so that would have to be done by the borrower at their expense. Mr. Less added that recently done Phase I's could be updated vs. preparing a brand new report.

Ms. Hinz noted that there were programs at the State level that could be available to perform environmental assessments. Mr. Hinz added that this information was in the handout she had prepared for the previous BAC meeting.

Mr. Byers explained that the program could offer both loans and grants, and added that nonprofits were unique in the eyes of EPA, and could be offered a subgrant or a loan, with the subgrant not requiring payback to the City. Mr. Byers added that nonprofits were eligible for subgrants with no repayment obligations, as well as loans that could be creatively structured as to their principal and interest payments, and noted further that nonprofits could apply for funding directly from EPA.

Mr. Tienor asked about the principal forgiveness option, and asked when that had been used?

BROWNFIELDS ADVISORY COMMITTEE MINUTES - 5/22/2014

Mr. Byers did note that principal couldn't be forgiven by the City for a private entity loan, but could be done for a loan to a nonprofit. Mr. Byers added that the objective was to have EPA and Stantec in the loop as early as possible, and noted the continuing role of EPA in this process including site eligibility determinations.

Mr. Less suggested another meeting of the BAC in June to perform a final review of the draft documents provided, and to hopefully move them to the City Council with a recommendation from the BAC.

Mr. Fox stated that he felt this was a good approach, and would review the documents, and forward any comments he had to Mr. Byers.

Ms. Golay asked how frequently the checklist documents would be completed per project?

Mr. Byers replied that typically, it would be once per project, but added that regarding compliance with wage rate requirements, they would likely visit a site every 2-3 weeks, depending on the length of the project. Mr. Byers added that if the project was only to last 2-3 days, they'd likely limit site visits to a single time. Mr. Byers continued that the BAC would get these field forms when completed, adding that everything, including recommendations, would come back to the BAC. Mr. Byers emphasized the desire to bring shovel ready and shovel appropriate projects and recommendations to the BAC.

Ms. Hinz asked Mr. Byers if they would be performing all compliance requirements under Davis-Bacon for the City?

Mr. Byers stated yes.

Ms. Golay asked if Stantec's recommendations would be shared with the borrower's QEP?

Mr. Byers stated yes.

Mr. Less commented that he wanted adopted guidelines in place before a meeting with area lenders etal. was convened.

Additional discussion was held.

No action was taken.

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 before proceeding to a public meeting on the RLF program.

BROWNFIELDS ADVISORY COMMITTEE MINUTES - 5/22/2014

No action was taken.

VII. NEXT MEETING DATE

The next meeting of the BAC was scheduled for Thursday, June 12th, at 10:00 A.M.

VIII. ADJOURNMENT

The meeting was adjourned at 11:00 A.M.

Respectfully Submitted,

David Less
City Planner

SIGN IN SHEET
CITY OF MANITOWOC
BROWNFIELDS ADVISORY COMMITTEE
May 22, 2014

NAME	ADDRESS	TELEPHONE
1. Harris Byers	Stantec	414-581-6476
2. Michael Bolay	Silver Lake College	920-686-6191
3. Terry Fox	927 A. S. 8th St. MANITOWOC	920-683-5497
4. Karen Szczepan	Chamber	920-684-5575
5. Stephanie Hinz	Symbiont	AIA 291 8840
6. PAUL LESS	City of Manitowoc	(920) 686-6931
7. Connie Loden	Progress Lakeshore	482-0540 920- 686 0540
8. Dan Kuski	City of Manitowoc	920-686-6910
9. ERIK Hoyer	SLC	920-686-6113
10. Dennis Timoz	Bank First	920-652-3240
11.		
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**LAKESWIND PROJECT COMMITTEE
GREAT LAKES UTILITIES
MINUTES**

May 20, 2014

Wisconsin Rapids, Wisconsin

COMMITTEE MEMBERS:

Bangor	Steve Baker
Cornell	Dave DeJongh
Medford	John Fales
Power Supply Committee Representative	Brian Knapp
Trempealeau	Travis Cooke

Legal Counsel:	Richard Heinemann, Boardman & Clark
Manager – Administrative Services:	Nilaksh Kothari
Additional Attendees:	Andy Onesti, Jem Brown, Dennis Dederling, Mike Furmanski, Bob Trussoni, Spencer Titera

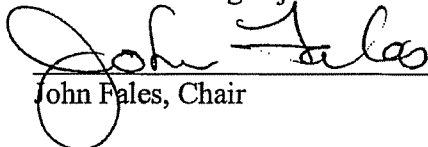
Board Chair John Fales called the meeting to order at 10:10 a.m. Those present are indicated above.

MINUTES: The Regular Session Minutes from the March 19, 2014 meeting were presented for approval.

MOTION: Motion was made by Steve Baker and seconded by Dave DeJongh to approve the Regular Session Minutes from March 19, 2014. Motion carried unanimously.

LAKESWIND PROJECT UPDATE: The first four months of the operational report was reviewed including the congestion issues on the transmission network in early April which resulted in the curtailment of the wind output on multiple occasions both due to MISO requests as well as economic curtailments initiated by GLU. In April, there were 19 instances of economic curtailments and three occasions where MISO requested the curtailment. For both of these types of curtailments, the MPU operators were able to contact the ROCC (remote operations control center) and requested the output of the wind farm to be limited to a specified maximum quantity (e.g. 20 MWs maximum). Discussion ensued on LMPs; communication with Rockland; DIR status; potential sale of excess REC; and related issues.

ADJOURN: Motion to adjourn by Travis Cooke and seconded by Dave DeJongh. Motion carried. Meeting adjourned at 10:30 a.m.



John Fales, Chair

Maritime Metro Transit
Transit Commission
Minutes
Wednesday, April 9, 2014

Members and Advisory Staff Present – Jim Muenzenmeyer/Transit/ Facilities Manager
Linda Grider/ Mobility Manager, David Koenig, Janet Paszkewicz, Tom Keil,
Marlo Kohlmann/Transportation Coordinator, Christopher Able/Alderman Representative.
Linda Schultz.

Members not present – Neil Halonen, Claudia Halonen

-Meeting called to order – The meeting was called to order at 4:15 PM

Approval of the minutes – David Koenig made a motion to approve the minutes, Janet seconded it, all approved

-Public Input – none

Update on personnel changes-Jim stated we have two people out on FMLA at this time. He hired one part-time driver but she need to get her CDL. She presently works for Assist-to-Transport. She does not need a CDL for driving the vans. She has good customer service with them.

Roof replacement-ITC & DPW/Transit- Due to the hail storm the ITC and the Transit building at DPW will be getting a new roof. 52 city building throughout the city will be getting new roofs. Total estimated cost is 2.2 million dollars.

Passenger Behavior Policy-Was adopted on March 13, 2014. The banishment of weapons was removed. A person that had had their bus privileges revoked for 6 month has just had them reinstated. Another person had their privileges revoked for 6 months for throwing rocks at the building.

Update on Transit Development Program 2015 - 2020 –At the last meeting Jim, reported he thought the city would be unable to do the Transit development Program. Bay Lakes has informed him they will be able to do it anyway with County funds because the City is within the county.

Five things Jim wants Bay Lakes to look at:

1. Dead time on routes. If we have a mobility device, a train, the bridge or bad weather we run behind.
2. Some routes overlap.
3. Silver Lake College has requested service; if we service them, how that would affect the rest of our system include ADA Paratransit.
4. Bring Paratransit in house. The City has a contract with Assist-to-Transit until 2015.
5. Bring the County Mobility Manager back in-house under the roof of the Transit Center.

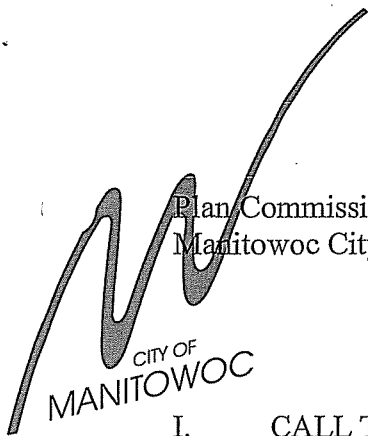
The Transit development committee will consist of 15 people.

Other Business-Linda Grider stated that the county applied for a 5310 grant. By November or December 2014 they should received 3 new buses that the County will use for Holiday house.

Member input- none

Next meeting- is scheduled for Wednesday, July 2, 2014.

Adjourned- Linda Schultz made a motion to adjourn, Janet seconded it. All approved.
Meeting was adjourn at 4:40 PM



Plan Commission Offices
Manitowoc City Hall

CITY OF
MANITOWOC

David Less
City Planner

Regular Meeting
Manitowoc City Plan Commission
Wednesday
May 14, 2014
6:30 P.M.

I. CALL TO ORDER

The meeting of the City Plan Commission was called to order by Chairman Justin Nickels at 6:30 P.M.

II. ROLL CALL

Members Present

Dan Hornung
Steven Alpert
Justin Nickels
Jim Brey
David Diedrich
Maureen Stokes
Jim Muenzenmeyer
Dan Koski

Members Excused

None

Staff Present

David Less
Paul Braun

Others Present

See Attached Sign In Sheet



OFFICE OF CITY PLANNING,
CITY PLAN COMMISSION

III. APPROVAL OF MINUTES of the Regular April 16, 2014 Meeting (Granicus #14-1035).

Motion by: Mr. Diedrich

Seconded by: Ms. Stokes

Moved that: the minutes be approved as presented:

Upon Vote: the motion was approved unanimously.

IV. PUBLIC INFORMATIONAL HEARINGS

- A. PC23-2013: Manitowoc Lutheran High School; Request to Rezone a Portion of Property at 4045 Lancer Circle from "R-2" Single-Family District to "I-1" Light Industrial District for a Future Telecommunication Facility Pursuant to Section 15.330 of the Manitowoc Municipal Code (Granicus #14-709)

Mr. Less explained that tonight's public informational hearing was in regard to a request from The Manitowoc Lutheran High School Federation, Inc. (MLHS), as owner, and Shane Begley, as agent for AT&T, as tenant. Mr. Less continued that together, they were requesting



that the City rezone an 80' x 100' area of the MLHS property from its current "R-2" Single-Family District to "I-1" Light Industrial District, as a first step towards authorizing the construction of a new telecommunication tower, that would ultimately require a Conditional Use Permit (CUP) pursuant to Section 15.330(4)(c) of the Manitowoc Municipal Code. Mr. Less advised that the project comprised the raw land construction of a 130' tall, monopole telecommunication tower and support equipment to be placed within a 60' x 80' fenced compound, within an 80' x 100' lease area. Mr. Less continued that the lease area was the property proposed for rezoning, and additionally, a 30' wide access easement would run approximately 300' between the tower compound and an existing parking lot on the property; and a separate 10' wide utility easement would run approximately 350' north-south between the tower compound and the R/W along Waldo Boulevard, where buried electric and telecom utilities would be sourced.

Mr. Less noted that MLHS had entered into an Option and Lease Agreement with New Cingular Wireless PCS, which was formerly known as AT&T Mobility, and which was a wholly owned subsidiary of AT&T, Inc. Mr. Less stated that the effective date of the lease was March 26, 2014, and it detailed the terms and conditions for usage of the 80' x 100' lease area. Mr. Less noted that the tenant had indicated that the new tower would provide better cellular coverage for this area with an impact radius of approximately 1.3-miles.

Mr. Less continued that the proposed rezoning area was located to the south of the existing MLHS school building and parking lot, with the north line of the lease area being approximately 35' south of the school building. Mr. Less continued that in addition to a monopole tower centered in the lease area, this area would also include an 11'5" x 28' AT&T equipment shelter. Mr. Less added that the lease area would be accessed from a gate on the west side, and an 8' high steel fence would surround the 4 sides of the compound. Mr. Less noted that landscaping outside of the compound was proposed to be in the form of arbor vitae, and would be located on the north, east and west sides. Mr. Less added that a 9' high cedar privacy fence would be located along the south side of the lease area, but outside of the compound.

Mr. Less continued that immediately beyond the perimeter of the rezoning area would be a 10' wide paved access fire lane along the north and west sides of the lease area; a 30' wide utility and ingress/egress easement, and a 10' wide utility easement. Mr. Less then explained the surrounding zoning and land uses in the area, noting that the property was currently tax exempt. Mr. Less noted that while schools were conditionally permitted in the "R-2" zoning district, the placement of a telecommunication tower required an industrial zoning, and subsequent authorization by issuance of a CUP.

Mr. Less then noted that the MLHS property was identified on the City's current 20-year land use map as "Institutional and Community Facilities" which was in conformance with the map. Mr. Less added that while the addition of a telecommunication facility was not specifically referenced in the City's Comprehensive Plan, the description of this district stated that it was designed to facilitate large scale public buildings, including airports, power plants and

substations, and that it also encouraged future small scale institutional uses, which, while undefined in the plan, would then seem to include facilities such as telecommunication towers. As such, Mr. Less concluded, the proposed telecom facility was in effect an accessory use at the MLHS property being a subordinate use on the same property as the school, and as such, the proposed rezoning and subsequent potential placement of a telecommunication facility in this area were deemed to be compatible with the Plan.

Mr. Less then went on to explain that there were 2 other issues that filtered into tonight's rezoning discussion: (i) the matter of whether or not this proposal constituted a spot zone; and (ii) Wisconsin's telecommunication siting law under Wis. Stat. § 66.0404. As to the spot zoning question, Mr. Less concluded that this was not a spot zone, as it would meet a public purpose and benefit, it would be compatible with surrounding land uses, it would not disturb the tenor of, or harm neighboring properties, and it appeared to align with State priorities. Mr. Less noted that while spot zoning was the singling out of a parcel for a use classification inconsistent with that of the surrounding area, for the benefit of the owner and to the detriment of others, it was not necessarily illegal when it was consistent with the purposes for which the zoning ordinance had been passed, and added that it should only be indulged in where it was in the public interest, and not solely for the benefit of the owner requesting the rezoning. Mr. Less continued that while MLHS would benefit financially from the rezoning and the income from the telecommunication lease, he believed the essential services nature of the proposed telecom facility within the rezoning area would benefit a greater public, and would satisfy the public interest requirement. Mr. Less explained that the courts had tended to find spot zoning invalid when the amendment fostered only private gain, rather than serving the public and promoting the general welfare of the public.

Mr. Less continued, and cited the State's new "Mobile Tower Siting Regulations" law that was part of the 2013 Biennial Budget Act found under Wis. Stat. § 66.0404. Mr. Less noted that this new law was the State's effort to create a standardized regulatory framework pertaining to these facilities, which provided a 90-day period to review a completed application. Mr. Less noted that the new law had the impact of altering local authority to regulate cell tower siting, and imposed limits on the manner and extent to which a city could use its zoning authority to regulate the siting and modification of mobile service facilities. Mr. Less added that the new law stated that if a political subdivision had in effect on July 2, 2013 an ordinance that applied to new mobile service support structures and facilities, or the substantial modification of an existing structure and mobile service facilities, then a community could rely upon its local ordinance, but only to the extent that it was not inconsistent with the State law (66.0404(2)1.). Mr. Less added that if the local ordinance was inconsistent, it would not apply and couldn't be enforced. Thus, he concluded, Wis. Stat. § 66.0404 severely limited the ability of a community to use its zoning authority to regulate cell towers and only if the zoning ordinance didn't violate the parameters set forth in the new law.

Mr. Less explained that the new statute defined projects into 1 of 3 categories: (i) new tower construction; (ii) substantial modification of an existing tower (Class 1 collocations); and

(iii) existing facilities with less than substantial modification (Class 2 collocations). Mr. Less then proceeded to explain the key elements comprising the law, and the limitations of the City's zoning ordinance for this project. Mr. Less did note that under the statute and within 90-days of receiving a complete application, a community had to complete its review and make a final decision on the request, and if the 90-day period lapsed, the application was deemed to be approved, unless the municipality and applicant agreed in writing to extend the 90 day period.

Mr. Less then explained the telecommunication support documents that were submitted with the rezoning application:

1. FAA determination of no hazard issued on February 19, 2014, and with no requirement for tower markings or lighting.
2. Letter from AT&T Mobility Corporation regarding their own rationale for no collocation dated February 6, 2014. It was signed by a person self identified as having responsibility over the placement of the mobile service support structure. There was also a graphic dated February 7, 2014 identifying a 1.3-mile radius area around the proposed tower, and identifying this area as being deficient in coverage.
3. Structural report stamped by a Professional Engineer (PE) and dated January 28, 2014 for a Sabre Industries tower and pole stating soundness of the structure, and that the tower was designed for a basic wind speed of 90 mph with no ice, and 40mph with 3/4" radial ice. This report also stated that if it failed, the tower would "fold over" onto a lower portion, and this determined a fall radius of 33% of the tower height from the base, or in this case, 42.9'.
4. Geotechnical report stamped by a PE and dated December 12, 2013.
5. Site plan with construction detail dated March 4, 2014 that was stamped by a PE.
6. NEPA compliance document dated March 28, 2014.
7. Phase I Archeological Report dated December 3, 2013.
8. Executed Option and Lease Agreement between the petitioner and the landowner.
9. Application for zoning ordinance amendment dated April 1, 2014 which identified a tower construction cost at \$148,000.

PLAN COMMISSION MINUTES - 5/14/2014

In closing, Mr. Less advised that notices of tonight's informational hearing were mailed from Planning on May 7th to property owners within 200' of the proposed rezoning area, and added that there were no comments received in response to that mailing.

Mr. Less identified key dates going forward, and noted that there was a statutory timing issue to address. Mr. Less noted that in terms of the date a completed application was received, a FedEx package was delivered to the City on April 8, 2014, and as such, the 90-day period under this new statute in which a final decision regarding the application was to be made, would therefore end on Monday, July 7th. Mr. Less then stated that the Commission should also consider addressing the CUP matter at this time in order to meet the 90-day statutory timeframe.

Mr. Hornung questioned the need to rezone this parcel if a cell tower couldn't be restricted in any zone under State law?

Mr. Less replied that his read of the statute was that for a new tower, the City's zoning ordinance still controlled, as long as it was consistent with the State law. Mr. Less added that as this was a brand new regulation, how it would be interpreted going forward was not yet written. Mr. Less stated that the City's ordinance still applied, but added that the City's ordinance at this time didn't match the new State law.

Mr. Diedrich asked why rezone the property?

Mayor Nickels commented that the zoning right appeared to be preserved under the new State law, and that State law would trump the City's ordinance.

Mr. Less commented that there were portions of the City's ordinance that were assertable, and in concert with the new State law, but added that the rezoning was necessary, as it was a right preserved at the federal level, and in the new State law for new towers.

Mr. Muenzenmeyer asked if the City could rightfully deny the request?

Mr. Less stated that the City would be hard pressed to deny the request, and to approve the zone change would comply with the City's ordinance and the new State law. Mr. Less added that this would be a different discussion with greater municipal restrictions, if this was an existing tower or collocation. Mr. Less noted that the petitioner provided all information required under the statute, and felt that the City would be hard pressed to deny the request. Mr. Less noted that the public benefit was the distinguishing factor in this situation.

Mr. Muenzenmeyer asked if the City could deny any new tower request in any zoning district if the information submitted complied with the new State law?

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Mr. Less stated that this was not clear at this time, but again stated that the preservation of local zoning did originate at the federal level with the 1996 Federal Telecommunications Act; a right that appeared to be preserved in the new State law.

Additional discussion was held on this matter, but noted that the Commission was uncomfortable with the lack of clarity regarding how the new State law interfaced with both the federal law, and local ordinance.

Mr. Less stated that he did not have a problem with the proposed rezoning, and felt that the request did comply with the new State law.

Mr. Muenzenmeyer asked if there was a legal opinion to validate the position being taken on this matter?

Mr. Less replied that he had talked about this matter with the City Attorney, who concurred with his assessment of how the law was intended to function. Mr. Less added that this law was so new that there was no basis for writing a legal opinion. Mr. Less stated that the City retained a barrier of protection for new towers under local ordinance.

Jeff DeZeeuw, 4529 Andrea Court, commented that he was currently dealing with Manitowoc County who had been discouraged from establishing multiple zoning patterns on a single parcel, and asked if this was the same situation?

Mr. Less stated that he was not familiar with any discussions at the County.

Mayor Nickels asked Mr. Less for his recommendation.

Mr. Less recommended that the Commission recommend to Council that it: (i) instruct the Clerk to call for a public hearing to be scheduled for June 16th; and (ii) approve the zone change upon completion of the public hearing. Mr. Less continued that regarding the issue of a CUP, he felt that the Commission should further recommend that Council waive the requirement for following the procedure under Section 15.370(27) of the Code for this project, due to the duplicitous nature of that proceeding vs. the information proved at the current rezoning proceeding. Mr. Less added that as the CUP process and the information presented would be a redundancy as a result of the State's new "Mobile Tower Siting Regulations" law under Wis. Stat. § 66.0404, and restrictions imposed therein, he felt that there was no need to pursue a separate proceeding for a CUP.

Motion by: Mr. Brey
Moved that: the Commission approve the Planner's recommendation above.

Seconded by: Ms. Stokes
Upon Vote: the motion was approved 7-1. Mr. Muenzenmeyer voted against the motion.

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B. PC15-2014/PC17-92: Schweppe; Request for a Conditional Use Permit (CUP) for Operation of a Group Child Care Center at 1501 N. Rapids Road Pursuant to Section 15.110(3)(c) of the Manitowoc Municipal Code (Granicus #14-946)

Mr. Less explained that this was a request from Stacy and Craig Schweppe as the owner of property at 1501 N. Rapids Road. Mr. Less noted that they had filed a request for a Conditional Use Permit (CUP) for operation of a group child care center at 1501 N. Rapids Road, pursuant to Section 15.110(3)(c) of the Manitowoc Municipal Code. Mr. Less noted that the CUP would follow the procedure outlined in Section 15.370(27), and that under that procedure, the Commission and Council had to determine if the proposed use was reasonably necessary for the convenience and welfare of the public, was in harmony with the character of the surrounding area, and would have a minimal or no effect on surrounding property values.

Mr. Less explained that the subject property was currently titled in the name of Falling Star Child Care, LLC by Quit Claim Deed from Stacy and Craig Schweppe dated April 2, 2014, and then traced the following historic events at this location:

1. March 20, 2014 Special Warranty Deed from Department of Veterans Affairs to Stacy and Craig Schweppe.
2. March 19, 2014 Termination of Right of First Refusal document from Calvary Assembly of God Church, clearing title for the V.A. and the Schweppes'.
3. November 25, 2013 Special Warranty Deed between Bank of America to The Secretary of Veterans Affairs.
4. October 14, 1994 Warranty Deed and Easement from Calvary Assembly of God Church to Richard and Marcia Barbier (easement between TR1 and TR2 for access and parking adjacent to the south side of 1501 N. Rapids).
5. June 1, 1992 City issued a CUP to Marcia Barbier d/b/a Tender Beginnings Day Care, Inc. for a maximum capacity of 39 children.
6. April 27, 1992 Lease between Calvary Church and Tender Beginnings Day Care for 2 year term, ending July 31, 1994.

PLAN COMMISSION MINUTES - 5/14/2014

7. April 14, 1991 Warranty Deed from Faith Evangelical Free Church to Calvary Assembly of God Church.

Mr. Less commented that the 1992 CUP was issued only to Tender Beginnings, and included language that it would expire automatically upon expiration of the lease (July 31, 1994) or occupancy of the facility. Mr. Less continued that the City lost track of uses in the building after Tender Beginnings, and no additional CUP's were issued by the City for day care operations at this location. Mr. Less did note that it appeared that a "Precious in His Site Christian Childcare Academy Inc. " day care was in the building sometime around 2006, and referenced federal tax liens recorded against that entity at 1501 N. Rapids Road for tax years 2007-2008, 2010 and 2011. Mr. Less noted that the status of these liens was unknown.

Mr. Less continued that regarding the subject property, it was located on the east side of N. Rapids Road, and was identified as Tract 2 of a CSM recorded in V. 15, P. 15. Mr. Less noted that it was a tract measuring 21,447sf in area, with 115' of frontage on N. Rapids Road, 95.32' along its rear lot line, and 211' along the north and south property lines. Mr. Less further identified the property as tax parcel # 814-101-012, which he noted had an assessed value from the City Assessor of \$138,900, and generated just over \$2,900 in annual real estate taxes. Mr. Less added that the property was currently zoned "R-2" , Single-Family District, which permitted day care centers for not more than 8, but for more than 8, required a CUP.

Mr. Less explained the surrounding zoning and land uses in the area, and added that for the current request, the proposed CUP would cover the land and building comprising Tract 2. Mr. Less continued that the building on the property was a 1-story frame structure of approximately 2,125sf in area, and contained a first floor and basement. Mr. Less noted that the site contained a large, off-street parking lot as well, and that based on his field count, it appeared that there were approximately 15 striped parking stalls that were included in the adjacent easement area. Mr. Less noted that the larger parking lot included parking for the Church, and had 103 parking spaces in total. Mr. Less added that City off-street parking requirements for a day care for 50 children would be: (i) a minimum of 1 parking space for each 7 children authorized; and (ii) 1 parking space for each staff member working the same hours. Mr. Less added that the parking requirement could be reduced to 1 parking space for each 10 children if a customer pick up and drop off zone was provided. Mr. Less commented that it appeared that off-street parking should be more than adequate.

Mr. Less went on to explain that according to information provided by the petitioner: (i) children would arrive at the facility between 5:00 A.M. -7:00 A.M., and would leave between 4:00 P.M. and 6:00 P.M.; (ii) child care would be available for children from birth through 11 years; and (iii) the proposed maximum enrollment was 50 children.

PLAN COMMISSION MINUTES - 5/14/2014

Mr. Less then explained that these facilities were regulated by the State, and noted the following: (i) Wis. Stat. §66.1017 prohibited a municipality from preventing a family child care home for not more than 8 children in a zoning district where a single family residence was permitted; (ii) because of its size, the facility at 1501 was not a family child care center, but was a group child care center for 9 or more children; (iii) child care was regulated and licensed through the Wisconsin Department of Children and Families; (iv) group child care centers facilities were required: (a) to meet the Wisconsin Commercial Building Code, the compliance to which was pre-requisite to being able to obtain a license from the State; (b) to have at least 35sf of usable space for each child counted in capacity; and (iii) to have in place compliance policies for a variety of topics including, but not limited to admission, discharge, education, nutrition, continuing education of staff, and transportation that are submitted with the application for licensure. Mr. Less noted that licenses issued by the State were not transferrable.

In closing, Mr. Less noted that notices were mailed from Planning to property owners within 200' of the subject property on May 7th regarding tonight's meeting, and there were no comments received to date in response to the mailing. Mr. Less advised that a copy of his recommendation had been previously provided to the Schweppes' and the Commission, and that no comments had been received

Mr. Hornung asked about the relevance of the federal tax liens?

Mr. Less noted that they were referenced only because they were recorded against the property, and he wanted to make the Commission aware of their presence. Mr. Less stated that the liens weren't relevant for the CUP consideration.

Mr. Diedrich commented that they should have been relevant for the purchaser of the property.

Steve Groth, 1504 Kellner, asked about limiting the hours of day care operation at the property, and noted that this was part of the discussion years ago when the Tender Beginnings CUP was issued. Mr. Groth was concerned about the day care operation extending into the later evening hours.

Mr. Alpert asked if a timing limit could be added into the CUP compliance conditions?

Mr. Less noted that this would not be a big issue to add time limitations into the CUP conditions.

Stacy Schweppe, 4325 Danmar Road, commented that extending the hours of operation to overnight would require the State to issue a different kind of license than what they were pursuing. Ms. Schweppe noted that their license would just be for a day use.

PLAN COMMISSION MINUTES - 5/14/2014

Mr. Brey stated that he was more comfortable adding the time limitation into the CUP conditions.

Commission members were comfortable with limiting the hours of operation to between 5:00 A.M. and 7:00 P.M.

The Schweppes' concurred.

Mayor Nickels asked Mr. Less for his recommendation.

Mr. Less recommended that the Commission recommend to Council that it grant a CUP under Section 15.110(3)(c) of the Code to Stacy and Craig Schweppe d/b/a Falling Star Child Care LLC, for a maximum of 50 children, and subject further to the conditions outlined for the Commission and on file in the City Planner's office.

Motion by: Mr. Brey

Seconded by: Ms. Stokes

Moved that: the Commission approve the Planner's recommendation above.

Upon Vote: the motion was approved unanimously.

V. REFERRALS FROM COMMON COUNCIL

A. PC1-2014: MPU; Request for Utility Easements from the City of Manitowoc in Block 230 of the Original Plat (Granicus #14-956)

Mr. Less explained a request from MPU for an easement covering 2 sites in Block 230 of the Original Plat for the placement of an above ground pad transformer at each location.

Mr. Less recommended that the Commission recommend to Council that it approve entering into the "Utility Easement" but prior to executing the document, the Deputy City Planner work with MPU to determine a strategy for replacement of the green space that would be lost at these 2 sites due to the placement of the above ground pad transformers.

Mr. Muenzenmeyer wanted to make sure a vision triangle conflict on the Franklin Street site would not be created by the placement of the transformer.

Mr. Koski noted that he had met with Mr. Bacalzo, and they were comfortable that the vision clearance would not be an issue.

Mr. Less noted that Block 230 was part of a downtown underground utility district as per Section 15.370(28) of the Code, which allowed for the location of associated equipment and facilities which were appurtenant to underground electric and communication systems to be located above ground. Mr. Less added that these 2 locations were currently landscaped areas, which would effectively be lost upon the installation of the transformers.

PLAN COMMISSION MINUTES - 5/14/2014

Mr. Hornung commented that the underground vaults were getting old and needed to be replaced.

Mr. Braun commented on the Franklin Street corridor as a possible location for future street trees.

Additional discussion was held.

Motion by: Ms. Stokes
Moved that: the Commission approve
the Planner's recommendation above.

Seconded by: Mr. Hornung
Upon Vote: the motion was
approved unanimously.

VI. OLD BUSINESS

A. None

VII. NEW BUSINESS

A. None

VIII. MISCELLANEOUS

A. Manitowoc County Activities:

Mr. Brey advised that the County had received State approval to demolish the old health department building at 823 Washington, and would be seeking approval to demolish from the City. Mr. Brey noted that the Commission should expect to see this request next month, and added that in light of the landscaping discussion regarding the MPU easement, there would be minimal landscaping, and felt that the County would be open to an off-site landscaping arrangement to meet the spirit of the City's off-street parking code and landscaping requirements.

Mr. Koski commented that he had talked with Mr. Beyer today, and believed the site would create 22 new off-street parking spaces.

Mr. Muenzenmeyer asked if the building was located in the Eighth Street Historic District?

Mr. Less stated "yes".

No action was taken.

PLAN COMMISSION MINUTES - 5/14/2014

B. Certified Survey Maps (CSM):

1. Richard Ewald; Proposed CSM in the SE¼ of the SE¼, Section 19, T19N, R23E, Town of Manitowoc Rapids (Granicus #14-1036)

Mr. Braun explained the proposed CSM on the north side of Middle Road, west of South Union Road. Mr. Braun noted that the owner wanted to transfer land to his daughter, while he would retain 5.10-acres for his existing residence, and would sell the remaining agricultural lands to a neighboring farmer. Mr. Braun recommended approval of the proposed CSM, subject to Town and County requirements.

Motion by: Mr. Diedrich
Moved that: the Commission approve the CSM as outlined, subject to any required easements, petitions, and other conditions as specified above.

Seconded by: Mr. Muenzenmeyer
Upon Vote: the motion was approved unanimously.

2. Hallwachs; Proposed CSM in the NE¼ of the SE¼ Section 15, T18N, R23E, Town of Newton (Granicus #14-1037)

Mr. Braun explained a proposed CSM located on the south side of Luckow Lane, and west of Gass Lake Road. Mr. Braun explained that the owner wanted to transfer her farmland to her son, and retain 4-acres for her residence. Mr. Braun recommended approval of the CSM, subject to Town and County requirements.

Motion by: Mr. Diedrich
Moved that: the Commission approve the CSM as outlined, subject to any required easements, petitions, and other conditions as specified above.

Seconded by: Mr. Muenzenmeyer
Upon Vote: the motion was approved unanimously.

3. Yindra/Becker; Proposed CSM in the NE¼ of the NW¼, Section 36, T19N, R23E, City of Manitowoc (Granicus #14-1038)

Mr. Braun explained a proposed CSM located between So. 35th and So. 36th Streets in the City, and advised that the property owners (Yindra and Becker) wanted to sell their vacant land to Kent and Sara Kiel. Mr. Braun continued that the Kiels' wanted to create 3 lots of record to construct a home on the westernmost lot, and to create 2 future lots for sale abutting the west side of So. 35th.

Commission members discussed the need for the current Official Map cul-de-sac impacting the property, with Mr. Hornung recommending that it be removed from the Official Map.

Mr. Braun stated that Greg Minikel in Public Infrastructure had some concerns about removing the cul-de-sac.

PLAN COMMISSION MINUTES - 5/14/2014

Mr. Brey advised that the original pattern in that area was related to an anticipated new school to be constructed to the south, which was a topic discussed in the 1970's or 80's.

Mr. Hornung recommended approval of the CSM, with Mr. Braun to talk with the MPSD about their property and the existing Official Map pattern, and addressing that matter in June.

Motion by: Mr. Alpert
Moved that: the Commission approve the CSM as outlined, subject to any required easements, petitions, and other conditions as specified above.

Seconded by: Mr. Brey
Upon Vote: the motion was approved unanimously.

4. Kaderabek; Proposed CSM in the SE¼ of the NW¼, Section 11, T19N, R23E, Town of Manitowoc Rapids (Granicus #14-1039)

Mr. Braun advised that there was no action to be taken on this matter at the owner's request, as the potential land sale had not materialized.

No action was taken.


A. Summary of Site Plans 4/11/2014 – 5/8/2014:

1. SP3-2014: Manitowoc Lake Breeze Apartments, LLC, Johnston Drive – New Construction (pending)(Granicus #14-1041).
2. SP4-2014: Progreso Mexicano, LLC, 1533 So. 41st – New Construction (pending)(Granicus #14-1042).
3. SP5-2014: Lakeshore Mini Storage, LLC, 2424 Johnston Drive – New Construction (pending)(Granicus #14-1043).

IX. ADJOURNMENT

The meeting was adjourned at 7:30 P.M.

Respectfully Submitted,


David Less
City Planner

SIGN IN SHEET
 MANITOWOC CITY PLAN COMMISSION
 MEETING DATE: MAY 14, 2014

NAME	ADDRESS	TELEPHONE
1. Stacy Schweppe	4325 Danmar Rd	920-242-2850
2. Carol Bauer	4435 Quest Ct,	920-682-4033
3. Craig Schweppe	4325 Danmar Rd	920-242-8264
4. JEFF DEZEEUW	4529 ANDREA CT.	920-682-4772
5. DAVID PAWLOWSKI	823 Marshall St	920-482-7717
6. SCOTT REINHARD	1624 S. 11th St Manitowoc	920-242-9204
7. ANDREW FLOWERS ^{ASSET}	930 NATIONAL PRWY ILL ^{SCHAUMBURG}	847-767-3048 ⁶³⁰
8. SHANE BAGLEY ^{ASSET}	14114 S. COUNTRY CIRCLE ^{GORDON ILL} 54838	715-816-4676
9. William Jindra	1533 Mailand Dr.	920-374-0502
10. Steve Groth	1504 Kellner St	682-5276
11. Kathy Groth	1504 Kellner St	682-5276
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**MINUTES OF THE
MANITOWOC PUBLIC UTILITIES COMMISSION MEETING
MONDAY, APRIL 28, 2014**

The scheduled meeting of the Manitowoc Public Utilities Commission was called to order by President Hornung at 4:00 p.m. on Monday, April 28, 2014. In attendance were Commissioners Diedrich, Hennessey, Hornung, Luckow, Morrow, Nickels, and Seidl. Also present were Nilaksh Kothari – General Manager; and Attorney Andrew Steimle – Steimle Birschbach, LLC.

2013 PSCW RENEWABLE ENERGY PORTFOLIO: The Renewable Portfolio Standard (RPS) energy report filed with the PSCW was distributed for review. Wisconsin law currently requires MPU to generate 5.19% of our annual retail sales from renewable sources. Renewable sources include: solar, wind power, geothermal, biogas, biomass, and hydroelectric. The MPU renewable requirement increases to 9.19% in 2015. The total MWH in the reserve bank for future use is 86,865. The bank will be used to satisfy the increasing RPS requirements in the future as they have a 5-year useful life in Wisconsin.

ELECTRIC RATE ADJUSTMENT: A Notice of Investigation dated April 23, 2014 was received from the PSCW on the electric rate adjustment. A press release will be prepared and issued. The next rate filing will be considered in 2016. Discussion ensued on the CP-1 classification being maintained at 100 KW and the rate adjustment in 2016.

CASH RESERVES RESOLUTION: A Resolution (2014-1) to increase MPU's cash reserve levels was presented. These adjustments are suggested to improve MPU's chances of getting a higher bond rating in the future. The 2003 Commission Resolution requires that both the electric utility and water utility maintain unrestricted cash and investment balance of at least 30 days of cash outflow. In recent meetings, presentations by the bond rating agencies seem to suggest that cash reserves are an important financial factor being considered in rating a utility. The recommendation is to maintain a minimum level of 60 days of cash and temporary investments with a target level of 90 days. The 90 days operating cash reserves will result in electric utility and water utility requiring approximately \$14 million and \$1.1 million.

MOTION: A Motion was made by Commissioner Seidl and seconded by Commissioner Diedrich to approve the Resolution as presented. Motion carried unanimously.

GENERAL MANAGER'S REPORT: N. Kothari updated the Commission on the following: Boiler 9 is in annual outage from April 21, 2014. The Lakeswind project node pricing had large variations last week with constraints and curtailments but seem to have evened out. Pet coke delivery continues by truck due to railroad issues. OSHA has revised rules for electric power generation, transmission and distribution maintenance and construction. Effective dates for rule implementation vary between July 10, 2014 and April 1, 2015. Compliance materials will soon be available from OSHA. MEUW and Alpha Terra will assist MPU in digesting the 1607 page rule. We are monitoring a small leak on the District Heat system. Currently it is about 100 gallons per week. Due to disk array problems, three virtual machines were migrated to Dewey. The replication stopped at 2:30 on April 17, giving us a gap in activity from 2:30 to 5:00 p.m. Discussion ensued. A Notice of Annulment was issued to Centrex as they were not able to provide performance bonds by the deadline (15 days after certified mail receipt) for contract. A certified check provided as the bid bond was cashed and deposited. The "stop running water" letters went out on April 21. The annual capacity auction results have been posted. Zone 1 cleared at \$3.29/MW-day, Zones 2-7 cleared at \$16.75/MW-day, and Zones 8-9 cleared at

\$16.44/MW-day. A meeting was held with Focus on Energy representatives to discuss their Energy Express program and MPU's participation. MPU is proposing to provide two additional LED bulbs for customers signing up receiving e-bill.

GLU UPDATE: Responses to the PSCW data request were developed for the power supply committee members for estimated cost impacts due to the Presque Isle Power Plant (PIPP) proposed SSR allocation method. The work on the 10-year annual power supply plan is in progress. In preparation for the upcoming annual FTR auction, the GLU FTR market credit allocation has been increased to \$1 million. The meter data for the Lakeswind project through February 27 was received and converted to point of interconnection (POI) equivalent and uploaded to MISO.

CBCWA UPDATE: A water storage tank is being considered in Ledgeview. On March 5, CBCWA awarded a contract to DN Tanks for their base bid in the amount of \$8,488,910 and Contract B to IEI General Contractors in the amount of \$3,108,000, subject to receipt of the Safe Drinking Water Program Loan.

MINUTES: The Minutes from the Regular Session Meeting on April 14, 2014 were presented for approval.

APPROVAL OF CLAIMS: Claims List dated April 29, 2014 and Wire Transfers dated through April 23, 2014 were presented for approval.

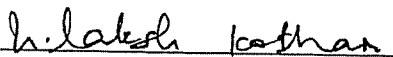
FINANCIAL REPORTS FOR MARCH 2014: The Financial Reports for March 2014 were previously distributed to the Commission for review and discussion.

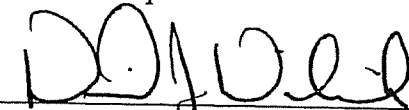
QUOTATIONS/BIDS: The following quotations/bids were presented for approval: Huron Street Watermain - \$47,170 – Vinton Construction Co; and 2014 Lawn Care and Landscaping - \$27,450 – Premier Lawn & Garden.

MOTION: A Motion was made by Commissioner Morrow and seconded by Commissioner Hennessey to approve the Regular Session Minutes from April 14, 2014; the Claims List dated April 29, 2014 check nos. 71715 through 71843 totaling \$605,858.02; Wire Transfers dated through April 23, 2014 totaling \$2,963,091.46; to place the Financial Reports for March 2014 on file; and to accept the quotations/bids: Huron Street Watermain - \$47,170 – Vinton Construction Co; and 2014 Lawn Care and Landscaping - \$27,450 – Premier Lawn & Garden. Discussion ensued on the Lawn Care and Landscaping quotation. The selected vendor will need to provide a performance bond or irrevocable letter of credit. Motion carried unanimously.

NEXT MEETING: Future meeting will be held on Tuesday, May 27, 2014 at 4:00 p.m.

ADJOURN: A Motion was made to adjourn the meeting by Commissioner Nickels and seconded by Commissioner Luckow. Meeting adjourned at 4:55 p.m.


Approved: Nilaksh Kothari, General Manager


Approved: David Diedrich, Secretary

**MINUTES OF THE
MANITOWOC PUBLIC UTILITIES COMMISSION MEETING
TUESDAY, MAY 27, 2014**

The scheduled meeting of the Manitowoc Public Utilities Commission was called to order by President Hornung at 4:00 p.m. on Tuesday, May 27, 2014. In attendance were Commissioners Hornung, Luckow, Morrow, and Seidl. Also present were Nilaksh Kothari – General Manager; Mark Leonard and Attorney Andrew Steimle – Steimle Birschbach, LLC. Commissioners Hennessey and Nickels were absent. Commissioner Diedrich arrived at 4:10 p.m.

MISO ANNUAL ACTIVITY SUMMARY REPORT: The annual MISO Activity Summary Report for MPU was presented for review. This report is divided as follows: (1) Resource Adequacy and Capacity Nominations; (2) Power Supply and Financial Schedules; (3) Load Forecasting; (4) Financial Transmission Rights; (5) Shadow Settlements, Disputes, and Invoicing; (6) Performance Metrics compared to previous year; and (7) Critique. Going forward, this report will be updated in July to match up with the MISO Planning Year. A brief discussion ensued and report was placed on file.

MEUW ANNUAL CONFERENCE: The 2013 MEUW Annual Conference is being held in Manitowoc from June 4-6, 2014. The approximate cost is \$250 per person. N. Kothari will not attend due to travel obligations.

MOTION: A Motion was made by Commissioner Diedrich and seconded by Commissioner Morrow to approve attendance by Commissioners who wish to attend the MEUW Annual Conference. Motion carried unanimously.

GLU INTERVENTION AT FERC – PRESQUE ISLE SSR: The GLU and MEUW filings at FERC on the Presque Isle SSR cost allocation have been filed. Discussion ensued. GLU is being represented by Attorney Michael Postar (Washington, D.C.).

DARK FIBER LICENSE SERVICE AGREEMENT WITH CITY: MPU has been providing six dedicated strands of fiber to the City of Manitowoc since 2004 through a letter agreement. The fee for these services was \$64,900 per year. Early this year, the City Finance Director requested to reduce the existing number of fibers from six to two at all fourteen locations except for four fibers at two sites (Evergreen Cemetery and the Safety Building). In addition, the City wanted to consolidate the Letter Agreement (May 2004) and Evergreen Cemetery Agreement (October 2013) into a single “Dark Fiber Service Agreement.” A revised Agreement was presented for approval. A brief discussion ensued.

MOTION: A Motion was made by Commissioner Seidl and seconded by Commissioner Diedrich to approve the Agreement as presented. Motion carried unanimously.

MPSD SERVICE AGREEMENT: MPU responded to a Request For Proposal for Telecommunications Services, issued by the Manitowoc Public School District (MPSD) in November of 2013. MPSD awarded the contract to MPU and is requesting proposed services by July 1. A Service Level Agreement to govern the services was presented to the Commission for approval. MPU will provide two each, gigabit Ethernet connections between Lincoln High School and twelve other MPSD facilities in the same manner as it has under a current agreement that expires June 30, 2014. The initial term is one year with automatic renewal until terminated. MPSD is required to rebid for these services every five years to remain eligible for Universal

Service reimbursement and will likely continue this practice. Total annual fee is \$6,070 per month and escalates annually.

MOTION: A Motion was made by Commissioner Diedrich and seconded by Commissioner Luckow to approve the Agreement as presented. Motion carried unanimously.

GENERAL MANAGER'S REPORT: N. Kothari updated the Commission on the following: NE Roofing has begun work on the WTP roof replacement project. The City has been investigating ways to resurface the New York Reservoir (NYR) tennis courts, since the spalling concrete has made the tennis courts unsafe to play on. The recreation facilities were donated by MPU to the City in the early 1970's when the NYR was built, and there was question regarding who was responsible for maintaining the park facilities. MPU advised the City that since the park improvements were not necessary to improve the integrity of the structure for water, MPU will not contribute towards the ~\$100k worth of improvements. Pricing for renewing the JP Morgan banking contract was received and reviewed. The rates remain flat and waiting on final contract for signature. Eighty-seven accounts issued cross connection disconnection notices. Currently, there are several commercial accounts on the list. A brief discussion ensued on the ramifications of disconnecting these customers. A recommendation was made to issues a press release explaining the rules. A meter reader found the disk turning on an electric meter disconnected for non-payment. The seal was tampered with, and upon opening the socket, the insulating boots were missing. The customer immediately came to the office to pay up the account and the reconnection fee. Manitowoc Police investigated and will issue a citation for tampering with the electric meter and self-reconnecting. Executed copies of the water service and emergency service agreements were received from Two Rivers. MPU's registration status with FERC was approved to be changed from a public utility to a "non-public utility" on the FERC reports. This action should resolve the pending EQR reporting requirement issue.

GLU UPDATE: A 10-year plan was completed for GLU. Any extra RECs will be sold to Wepco at \$1.50 per MWH from 2015 to \$2.50 per MWH in 2019. A memo on the operations of the Lakeswind project for the first four months of the project was distributed for review.

MINUTES: The Minutes from the Regular Session Meeting on April 28, 2014 were presented for approval.

APPROVAL OF CLAIMS: Claims Lists dated May 13 and May 27, 2014 and Wire Transfers dated through May 21, 2014 were presented for approval.

QUOTATIONS/BIDS: The following quotations/bids were presented for approval: Cargo Van-Business Services - \$19,889.50 – Sheboygan GMC; and Transformers-300KVA - \$30,297 – Resco Ermco.

MOTION: A Motion was made by Commissioner Luckow and seconded by Commissioner Seidl to approve the Regular Session Minutes from April 28, 2014; the Claims List dated May 13, 2014 check nos. 71844 through 71966 totaling \$639,092.02; the Claims List dated May 27, 2014 check nos. 71967 through 72147 totaling \$1,488,107.74; Wire Transfers dated through May 21, 2014 totaling \$3,304,059.10; and to accept the quotations/bids: Cargo Van-Business Services - \$19,889.50 – Sheboygan GMC; and Transformers-300KVA - \$30,297 – Resco Ermco.

Motion carried unanimously.

Mark Leonard left at 4:40 p.m.

CONVENE MEETING TO CLOSED SESSION: Notice had previously been given that the Manitowoc Public Utilities Commission will adjourn to a closed session during the May 27, 2014 meeting pursuant to Section 19.85(1) (c) to discuss approval of the minutes of the January 27, 2014 Closed Session Meeting (Regarding Personnel Committee Report and Recommendations) and Personnel and Compensation Issues; and pursuant to Section 19.85(1) (e) to discuss approval of the minutes of the January 27, 2014 Closed Session Meeting (Regarding Purchase of Property) and Purchase of Property.

MOTION: A Motion to convene in closed session was made by Commissioner Morrow and seconded by Commissioner Luckow. Motion carried unanimously. Accordingly the Commission convened in closed session at 4:45 p.m.

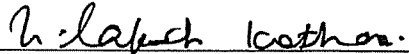
The meeting was reconvened to open session at 5:20 p.m.

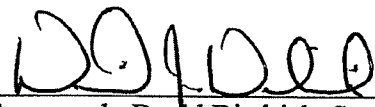
MOTION: A Motion was made by Commissioner Diedrich and seconded by Commissioner Morrow to approve renaming of positions to align with job responsibilities, recommended wage adjustments, and continued service of the General Manager.

TENTATIVE JULY-DECEMBER 2014 MEETING SCHEDULE: The tentative schedule for the remainder of 2014 was distributed.

NEXT MEETING: Future meeting will be held on June 23, 2014 at 4:00 p.m.

ADJOURN: A Motion was made to adjourn the meeting by Commissioner Luckow and seconded by Commissioner Seidl. Meeting adjourned at 5:25 p.m.


Approved: Nilaksh Kothari, General Manager


Approved: David Diedrich, Secretary

MANITOWOC WASTEWATER TREATMENT FACILITY BOARD MEETING MINUTES

Dale Zahn, Co-Chairperson called the meeting of the Manitowoc Wastewater Treatment Facility Board to order on Tuesday, May 13, 2014 at 4:00 P.M.

Board members present: Dale Zahn
Jim Brey
Dan Koski
Dave Luckow
Brian Helminger, Secretary

Also present: Mike Jaeger

Board member(s) not present: Craig Haan
Tim Petersen
Gregg Wolf

PUBLIC INPUT

No public input.

MINUTES

The minutes of the March 11, 2014 Board Meeting required no corrections. Motion by Jim Brey to accept the March 11, 2014 Board Meeting minutes as presented and place on file; second by Dan Koski. Motion carried unanimously.

FINANCIAL STATEMENTS ON WASTEWATER TREATMENT FACILITY FOR FEBRUARY 2014

The February 2014 financials were reviewed. Hauled waste revenue was down for the month as would be expected for that time of the year. Helminger noted that the overall sewer revenue was up slightly from the previous year. Motion by Dave Luckow to accept the February 2014 financials as presented and place on file; second by Jim Brey. Motion carried unanimously.

FINANCIAL STATEMENTS ON WASTEWATER TREATMENT FACILITY FOR MARCH 2014

The March 2014 financials were reviewed. Helminger noted that total sewage revenue was again up over the previous year and that hauled waste revenue increased to coincide with additional leachate due to the spring thaw. Budget line 522400 Gas has been drawn down due to three natural gas curtailment periods where fuel oil was used for plant heating needs. Line 513700 will be used soon for an Operator retirement and the pay out of sick leave and unused PTO. Helminger reminded the Board that the sludge lagoons were not emptied last fall due to wet field conditions and all, if not more, of line 526610 will be needed this year. Motion by Jim Brey to accept the March 2014 financials as presented and place on file; second by Dan Koski. Motion carried unanimously.

2013 COMPLIANCE MAINTENANCE ANNUAL REPORT (CMAR)

Helminger presented the 2013 CMAR report and discussed the sections focusing on the categories and the issues that led to points being assessed. The report was complete except for the balance in the Equipment Replacement Fund at year end 2013. Motion by Dave Luckow for Helminger to get ERF balance inputted and to accept the 2013 CMAR report as

presented and forward to Council for action; second by Dale Zahn. Motion carried unanimously

PARKSON CORPORATION – D2 PILOT STUDY UPDATE

Helming informed the Board that the pilot trailer is operational with both filters and treating effluent in a series orientation. The sampling is limited thus far, but the initial data appears to be impressive and far better than what the plant is producing. Parkson continues to work on automation and reducing chemical feed rates as well as optimizing performance of the filters.

BOARD UPDATE ON METHANE GAS BURNER REPLACEMENT

The Varec methane gas burner has arrived and installed. The start-up was on May 7th and training took place on May 8th. The burner can be run in two different modes and uses natural gas in the combustion mixture to produce a hotter flame, reduce emissions, and limit the odors when firing biogas. Punch list items do remain and will be completed when the weather allows. No action taken.

PROJECT STATUS FOR 2014 SCREW PUMP REHAB AND DIGESTER ROOF

Task orders for engineering assistance have been signed and approved. Initial planning has begun and Strand and Lakeside Equipment are scheduled to be on site on June 4th. A detailed inspection of the screw pumps will be made so the scope of the rehab can be identified.

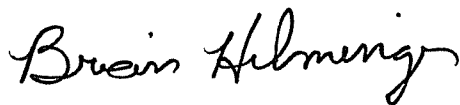
The small section of failed digester roof will also be addressed. This is an area walked upon for getting access to the covers to check the mixers, cover orientation, and maintenance. No action taken.

PLANT REPORT

Jaeger reviewed the plant report discussing the projects and work completed and effluent quality for the period March 1 – April 30, 2014. No action taken.

Motion to adjourn made by Dave Luckow; second by Jim Brey. Meeting adjourned at 4:59 P.M.

Respectfully submitted,



Brian Helming
Secretary, WWTFB

BH/jma
Copy: City Clerk's Office