

# BOARD OF PUBLIC WORKS MEETING

City of Kaukauna  
**Council Chambers**  
Municipal Services Building  
144 W. Second Street, Kaukauna



Monday, February 28, 2022 at 6:00 PM

## AGENDA

### In-Person

1. Correspondence.
2. Discussion Topics.
  - a. Authorization to seek bids for replacement of 2011 Chevy 1 Ton Dump Truck with Lift Gate - Equipment #7
  - [b.](#) Authorization to seek bids for Project #7-22, Island/Elm Intersection Improvements
  - [c.](#) Authorization to seek bids for Project #8-22, 2022 Sidewalk Replacement Program
  - [d.](#) Authorization to seek bids for Project #9-22, 1000 Islands Steps to Upper Woods
  - [e.](#) Responsible Party Letter for Contamination on Unparcelled Land behind Fox Shores Drive - Future Remediation Work
3. Closed Session.
  - a. Adjourn to Closed Session Pursuant to State Statute 19.85(1)(g) Conferring with legal counsel with respect to litigation in which it is or is likely to become involved
  - b. Return to open session for possible action
4. General Matters.
5. Adjourn.

## NOTICES

Notice is hereby given that a majority of the City Council will be present at the meeting of the Board of Public Works meeting scheduled for Monday, February 28, 2022 at 6:00 P.M. to gather information about a subject over which they have decision making responsibility.

**IF REQUESTED THREE (3) DAYS PRIOR TO THE MEETING, A SIGN LANGUAGE INTERPRETER WILL BE MADE AVAILABLE AT NO CHARGE.**

**WE ARE FOLLOWING CDC GUIDELINES REGARDING MASK-WEARING IN CITY FACILITIES.**



**City of Kaukauna**  
**Board of Public Works – February 28<sup>th</sup>, 2022**  
BTC/engr dept

**Agenda Item #2b**

**Authorization to seek bids for Project #7-22, Island/Elm Intersection Improvements**

Construction Areas:

- Island Street and Elm Street Intersection Improvements

**Background**

The Engineering Department has collaborated with the school district and is finalizing design for installation of a signalized intersection for the above listed intersection. (shown on the attached maps.)

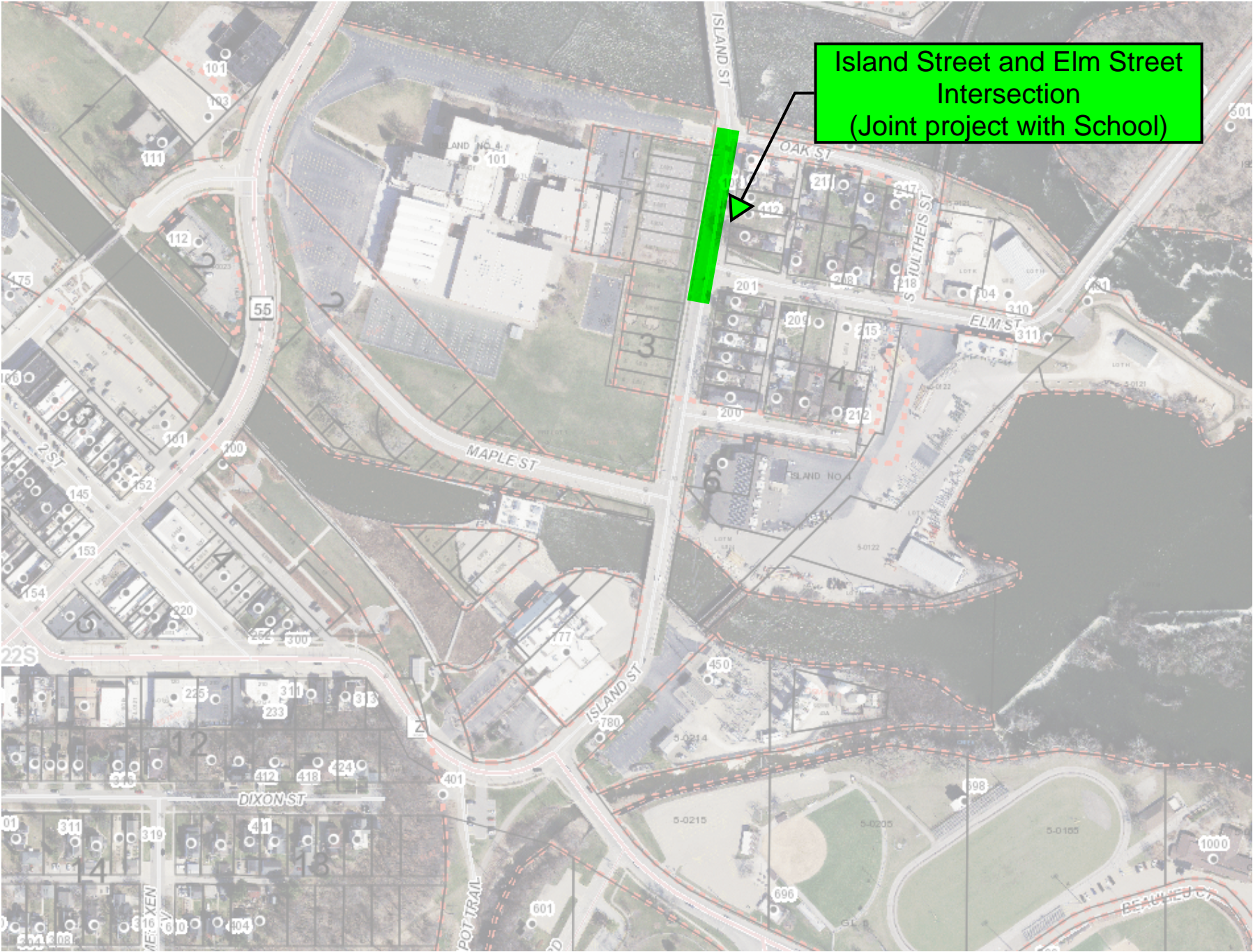
The Island/Elm Street intersection work will include signalization, widened roadway, spot replacement of concrete street, storm sewer installation, and sidewalk replacement.

**Recommended Action**

Motion to authorize the Engineering Department to seek bids for Project #7-22, Island/Elm Intersection Improvements.



# Island / Elm Street Intersection





**City of Kaukauna**  
**Board of Public Works**

**February 28, 2022**

jn/engr dept

**Agenda Item #2c**

**Authorization to Bid Project 8-22: 2022 Sidewalk Replacement Program**

**Background**

The City performs a sidewalk replacement project every other year. A sidewalk replacement project is scheduled for 2022(Project was delayed from 2021).

The purpose of the project to identify sidewalk that is in the right-of-way and is "defective." A list of conditions that make sidewalks defective is attached.

All areas of the City are covered under the program on a rotating basis. A map is also attached that identifies the proposed project area along with areas previously covered under the program. Some additional sidewalk outside of the project area will also be replaced due to complaints.

Homeowners are given notice of defective sidewalk abutting their property and are given an opportunity to complete the work themselves or by a privately hired contractor. The City hired contractor will replace the sidewalk if the homeowner fails to do so and the cost is assessed back to the abutting property owner.

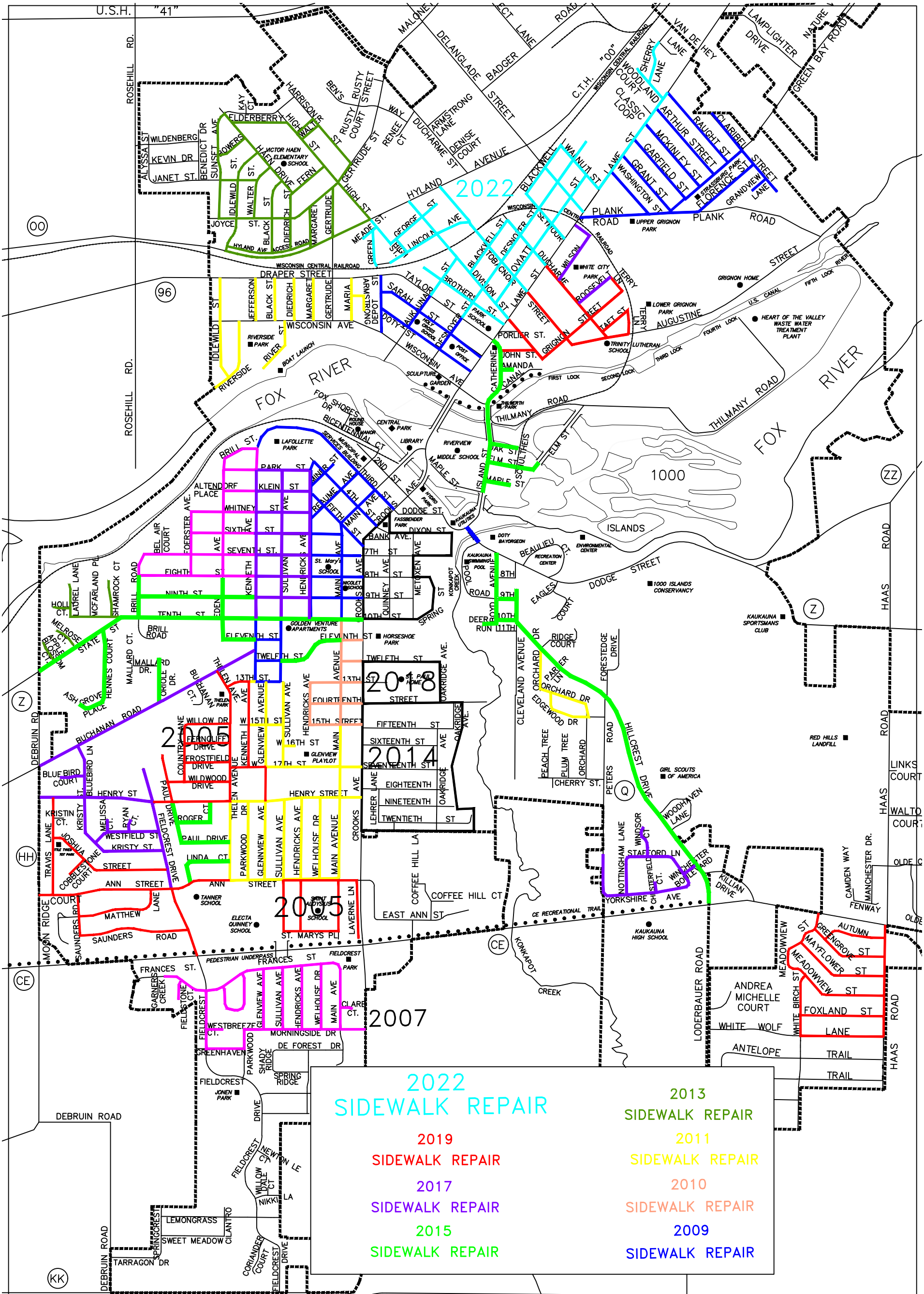
**Recommended Action**

Authorize the Engineering Department to seek bids for Project 8-22: 2022 Sidewalk Replacement Program.



## SIDEWALK REPLACEMENT CRITERIA

- Any sidewalk block with a crack of ½" or greater.
- Any sidewalk block with a 3/4" lip between sidewalk blocks.
- Any sidewalk block that "ponds" water.
- Any sidewalk block with multiple fractures.
- Any sidewalk block that is improperly pitched (toward the lot).
- Any sidewalk block that is heaved by tree roots.
- Any sidewalk block with surface defects.
- Any sidewalk block with longitudinal fractures through the entire sidewalk block.
- Any sidewalk block with fractures that have been previously patched or repaired.



2022 SIDEWALK REPLACEMENT MAP

**CITY OF KAUKAUNA**

OUTAGAMIE COUNTY, WISCONSIN

CITY OF KAUKAUNA  
ENGINEERING DEPARTMENT  
2-23-2022

DRAWN BY JH

**City of Kaukauna**  
**Board of Public Works**

**February 28, 2022**

jn/engr dept

**Agenda Item #2d**

**Authorization to Bid Project 9-22, 1000 Islands Steps to Upper Woods**

**Background**

The 1000 Islands is seeking to contract for the installation of new steps leading into the upper woods as well as a set of steps to the north of County Highway Z, heading down toward the river. The existing steps are old railroad ties which are deteriorating and in need of significant repair. Apple Valley Landscaping LLC has been helping with the planning as they had recently completed a similar project in Kimberly's Sunset Park. 1000 Islands has received some restricted funds that will cover most of the project cost. There will be approximately 104 total steps installed and 6 crushed gravel landings.

Photos of the proposed concrete step treads and a location map are enclosed.

**Recommended Action**

Authorize the Engineering Department to seek bids for Project 9-22, 1000 Islands Steps to Upper Woods.







# Oversize Landscape

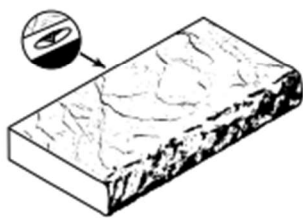
## STEP UNITS

Our Oversize Landscape Step Units are manufactured with uniform heights and naturally textured surfaces, for enhanced pedestrian comfort and safety. Their larger scale also covers more square footage than alternative step options, speeding installation and reducing labor costs.



Oversize Landscape Step Units – GRAY color

D x H x L  
(Nominal Size) • Inches



25 x 6¼ x 48



Oversize Landscape Step Units – GRAY color



January 7, 2022

JOHN SUNDELIUS  
CITY OF KAUKAUNA  
144 W SECOND ST  
KAUKAUNA, WI 54130

Sent Via E-Copy Only - [sundelius@kaukauna-wi.org](mailto:sundelius@kaukauna-wi.org)

Subject: Reported Contamination at **Chicago & Northwestern Railyard (former),  
Unparcelled Land, Kaukauna, WI**  
DNR BRRTS Activity # **02-45-589028**

Dear Mr. Sundelius:

As discussed in the December 14, 2021 meeting, in May 2021, the Department of Natural Resources (DNR) received information regarding ownership of a unparcelled land between US Government Parcel J and parcels 323040800, 323040700, and 323040701, in the City of Kaukauna. The unparcelled land at its maximum is approximately 30-feet wide and extends approximately 520-feet. The unparcelled land is located between two remediation and redevelopment sites, USACE-Parcel J (Kaukauna Power Canal) BRRTS Activity #: 02-45-548419 and Fox Shores Apartments BRRTS Activity #: 02-45-582746. These sites are impacted by area wide contamination related to the former Chicago and Northwestern rail yard that occupied Lot A and B of the 1882 Ledyard Map and subsequent industrial use prior to its division by the City of Kaukauna. The area has known Polycyclic Aromatic Hydrocarbons (PAHs) and Resource Conservation and Recovery Act (RCRA) metals impacts to soil above Wis. Adm. Code Ch. NR720 residual contaminant levels for protection of groundwater, protection of human health for non-industrial direct contact exposures and/or protection of human health for industrial direct contact exposures.

The responsible party for the Fox Shores Apartments site, which extends across parcels 323040800, 323040801, 323040802, and 323040804 in the City of Kaukauna, completed a remedial action September 9, 2021 and submitted a remedial action documentation report November 19, 2021. The responsible party for the USACE-Parcel J (Kaukauna Power Canal) site submitted a site investigation report October 7, 2021, following soil sampling conducted May 25, 2021, and are currently working toward developing remedial action options for the site.

Based on the sample results adjacent to the unparcelled land, high levels of PAHs and RCRA metals are inferred to be present in the soil, above residual contaminant levels for protection of human health for non-industrial direct contact exposures, within the unparcelled land adjacent to several residential properties. Additionally, with the completed remedial action and upcoming closure request at the Fox Shores Apartments site and future remedy at the USACE-Parcel J (Kaukauna Power Canal) site, the unparcelled land must also be investigated and remediated to ensure that the small area between two remedies is not left as a potential risk to adjacent residents and property owners.

Information submitted to the DNR regarding this site indicates you are responsible for the discharge of a hazardous substance or other environmental pollution (hereafter referred to as “contamination”) at the above-described site as the possessor of the contamination. “Site” refers to the property where the contamination occurred and any other property it has migrated to, as defined in Wisconsin Administrative Code (“Wis. Admin. Code”) § NR 700.03(56).

### **Legal Responsibilities:**

Persons meeting the definition of “responsible party” under Wis. Admin. Code § NR 700.03 (51) must follow applicable law to address the discharge of a hazardous substance to the environment or other environmental pollution. Wisconsin Statutes (“Wis. Stat.”) ch. 292 and Wis. Admin. Code chs. NR 700-799 provide specific requirements for undertaking appropriate response actions to address contamination, including requirements for emergency and interim actions, public information, site investigations, remedy selection, design and operation of remedial action systems, and case closure.

### **General Recommendations for Responsible Parties:**

The DNR recommends that you:

#### *1. Hire a Qualified Environmental Consultant*

To ensure response actions you plan to undertake comply with Wisconsin law, you should hire an environmental consultant within **30 days**, by February 6, 2022, to meet the regulatory deadlines listed below. A delay in hiring an environmental consultant could result in you missing key submittal deadlines.

Hiring a consulting firm with staff that have the appropriate state of Wisconsin qualifications to supervise and certify the submittals is a critical component and necessary to meet your requirements. Further, an environmental consultant should be knowledgeable of Wisconsin's technical procedures and laws, and be able to answer questions regarding cleanup requirements. Required qualifications for environmental consultants are specified in Wis. Admin. Code ch. NR 712. See *Wis. Admin. Code ch. NR 712 Qualifications and Certifications* (RR-081), for more information.

#### *2. Properly Submit Reports on Time with Required Information Included*

Wisconsin law includes timeframes for submitting technical documents and conducting work, as well as specifications for what should be included in those submittals. This letter provides a general overview of the timeframes and first steps to take for site investigation and cleanup. For an overview of timing requirements, please refer to *NR 700 Process and Timeline Overview* (RR-967), *enclosed*.

The DNR developed the publication *Guidance for Electronic Submittals for the Remediation and Redevelopment Program* (RR-690), to assist responsible parties and consultants in properly submitting documents. Wis. Admin. Code § NR 700.11 (3g), and other specific provisions within Wis. Admin. Code ch. NR 700, outline the requirements for submittals, including electronic submittals.

#### *3. Consider the Benefits of a Fee-based Technical Review of your Submittals*

In-depth DNR review of technical reports and submittals is available for a fee. The Remediation and Redevelopment (RR) Program project managers are available throughout the process to answer



general questions and provide general input as the site moves toward case closure. However, if you want a formal, written response from the DNR, a meeting with the DNR or both on a specific submittal, a review fee will be required in accordance with Wis. Admin. Code ch. NR 749. **Obtaining technical assistance from DNR project managers throughout the process is an effective way to prevent problems and delays at the end of the process when case closure is requested.** Forms, a fee schedule and further information on technical assistance is available at [dnr.wi.gov](http://dnr.wi.gov) by searching “brownfield fees.”

### **Required Steps to Take and Documents to Submit:**

The steps listed below serve as a general overview only — all mandatory steps and submittals specified in Wis. Admin. Code, chs. NR 700-799 must be met before the DNR can grant case closure, which is a determination by the DNR that no further cleanup is necessary at a site, as defined in Wis. Admin. Code § NR 700.03 (3m).

1. **Scoping and Work Plan Submittal – NR 716.07 and 716.09:** The law requires that you appropriately scope your site investigation and submit a work plan within **60 days of this notification**, by March 8, 2022 for completing a site investigation. The work plan must comply with the requirements in Wis. Admin. Code, chs. NR 700-799. For additional assistance, the DNR has extensive guidance on its website at [dnr.wi.gov](http://dnr.wi.gov), search “site investigation scoping.”

Per Wis. Admin. Code § NR 716.07 and Wis. Admin. Code § NR 716.09, site investigation scoping and work plans should include an evaluation of the history of the site or facility, including industrial, commercial or other land uses that may have been associated with one or more hazardous substance discharges at the facility. In addition, an evaluation of the history of previous hazardous substance discharges or environmental pollution, the location of the site or facility, and its proximity to other sources of contamination must be included. Site investigation work plans should also include a sampling and analysis strategy to be used during field investigation that considers all information in the evaluation conducted under Wis. Admin. Code § NR 716.07. Emerging contaminants discharged to the environment, including perfluoroalkyl and polyfluoroalkyl substances (PFAS) and 1,4-dioxane, meet the definition of a hazardous substance or environmental pollution under Wis. Stat. § 292.01 and must be considered during site investigation scoping.

Prior to and during a site investigation, you must evaluate whether any interim actions are needed to contain or stabilize a hazardous substance discharge or environmental pollution, pursuant to Wis. Admin. Code § NR 708.11. If you undertake an interim action (e.g., free product removal), you must submit documentation of the action per Wis. Admin. Code § NR 708.15.

As you develop the site investigation work plan, you must include an assessment of the vapor intrusion pathway. Wis. Admin. Code § NR 716.11 (5) outlines the requirements for when to evaluate for the presence of vapors in the sub-surface and in indoor air. The results and conclusions from the vapor assessment must be included in the Wis. Admin. Code § NR 716.15 site investigation report whether or not you elected to take vapor samples. *Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin* (RR-800), is available to help responsible parties and their consultants comply with these requirements.

2. **Field Investigation – NR 716.11**: Following submission of the work plan, the site investigation must be started within the timeframe provided under law. The timeframe varies depending on whether you are requesting the DNR's fee-based review of the work plan. If you do not request a fee-based review of the work plan, you must initiate the field investigation within 90 days of submitting the work plan, and you may proceed with the field investigation upon DNR notification to proceed; however, if the DNR has not responded within 30 days from submittal of the work plan, you may then proceed with the field investigation. If a fee and request for DNR review of the work plan is submitted, the field investigation must begin within 60 days after receiving DNR approval.
3. **Sample Results Notification Requirements – NR 716.14**: You must report sampling results to the DNR, owners, occupants and various other parties within 10 business days after receiving the sampling results, unless a different timeframe is approved by the DNR, in accordance with Wis. Admin. Code § NR 716.14.
4. **Site Investigation Report – NR 716.15**: Within 60 days after completion of the field investigation and receipt of the laboratory data, the law requires you to submit a Site Investigation Report (SIR) to the DNR. As part of the SIR or in the Remedial Actions Options Report (RAOR), if there is soil contamination, the responsible party shall identify the current land use (*i.e.*, industrial or non-industrial) and zoning for the site or facility in accordance with Wis. Admin. Code § NR 720.05 (5). Also, as part of the SIR or in the RAOR, you must include any interim action report that may be required under Wis. Admin. Code § NR 708.15.
5. **Remedial Actions Options Report – NR 722**: Within 60 days after submitting the SIR, the law requires you to submit a RAOR. The selected remedy in the RAOR should include an evaluation of green and sustainable remediation criteria, as appropriate, as required by Wis. Admin. Code § NR 722.09 (2m). This may be submitted as part of a broader SIR.
6. **Remedial and Interim Action Design, Implementation, Operation, Maintenance and Monitoring Reports – NR 724**: Unless otherwise directed by the DNR, the responsible party shall submit all plans and reports required by Wis. Admin. Code ch. NR 724.

However, based on adjacent site information the city may be able to coordinate investigation and remediation, steps one through six, with the responsible parties for the adjacent sites. This site will not be exempt from the reporting requirements listed below.

Within 60 days of this letter, March 8, 2022, please provide a response to the DNR outlining your plan of action at this site, based on the December 14, 2021 meeting with the DNR.

7. **Semi-Annual Reporting – NR 700.11**: Wis. Admin. Code § NR 700.11 (1) (a) requires responsible parties to submit semi-annual site progress reports to the DNR until case closure is granted. The reports summarize the work completed over six months and additional work planned to adequately complete the response action at the site. Consultants may submit these reports on behalf of responsible parties. These reports are due in January and July of each year. Please refer to DNR publication *NR 700 Semi-Annual Site Progress Report* (RR-082), for more information.

### **Submittals required under Wis. Admin. Code chs. NR 700-799**

These documents, as applicable, must be submitted to the DNR prior to the responsible party requesting case closure, unless otherwise directed by the DNR:

- ☐ Ch. NR 708 reports and documentation for any immediate or interim actions.
- ☐ Ch. NR 712 professional certifications and signatures are included with applicable submittals.
- ☐ Ch. NR 716 work plan(s) and site investigation report.
- ☐ Ch. NR 722 remedial action options report (exception is for Dry Cleaners Environmental Response Fund sites), with the selected remedial action identified.
- ☐ Ch. NR 724 design, construction documentation, operation, maintenance and monitoring plans and reports, including vapor mitigation commissioning.
- ☐ Ch. NR 725 submittal(s) that confirms that continuing obligations have been identified and affected property owners have been notified by the responsible parties 30 days prior to requesting case closure.
- ☐ If requesting case closure, the Ch. NR 726 case closure form and documentation substantiating compliance with the NR 700 rule series.
- ☐ Ch. NR 749 fees have been paid, as applicable, including closure and database fees.
- ☐ Ch. NR 700 semi-annual site progress reports starting six months after notification.

### **Additional Information:**

The DNR tracks information on all cleanup sites in a DNR database available at [dnr.wi.gov](http://dnr.wi.gov), search “BOTW.” The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this site is listed at the top of this letter. You may view information related to your site on this database at any time.

All correspondence regarding this site should be directed to:

Sarah Krueger  
 Remediation and Redevelopment Program  
 Wisconsin Department of Natural Resources  
 2984 Shawano Avenue  
 Green Bay, WI 54313  
[Sarah.Krueger@wisconsin.gov](mailto:Sarah.Krueger@wisconsin.gov)

To speed up processing, your correspondence should reference the BRRTS and Facility Identification (FID) numbers (if assigned) listed at the top of this letter.

Submittals required under the NR 700 rule series should be sent to the DNR using the RR Program Submittal Portal at [dnr.wi.gov](http://dnr.wi.gov), search “RR submittal portal” (<https://dnr.wi.gov/topic/Brownfields/Submittal.html>). Questions on using this portal can be directed to the contact below or to the environmental program associate (EPA) for the regional DNR office. Visit [dnr.wi.gov](http://dnr.wi.gov), search “RR contacts” and select the EPA tab (<https://dnr.wi.gov/topic/Brownfields/Contact.html>).



Responsible Party Letter  
Mr. John Sundelius – City of Kaukauna  
BRRS # 02-45-589028  
January 7, 2022

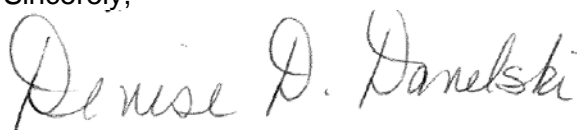
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Please visit the DNR's Remediation and Redevelopment Program web page at [dnr.wi.gov](http://dnr.wi.gov), search "Brownfields" for information on selecting a consultant, seeking financial assistance, and understanding the investigation and cleanup process. Information regarding review fees, liability clarification letters, post-cleanup liability and more is also available.

If you have questions, please call the Sarah Krueger at (920) 510-8277 or at [Sarah.Krueger@wisconsin.gov](mailto:Sarah.Krueger@wisconsin.gov) for more information.

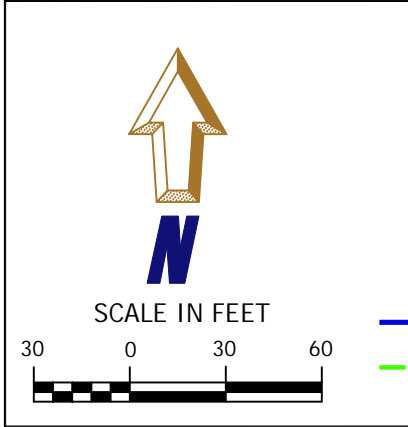
Thank you for your cooperation.

Sincerely,



Denise D. Danelski  
Environmental Program Associate - Remediation & Redevelopment Program  
Northeast Region

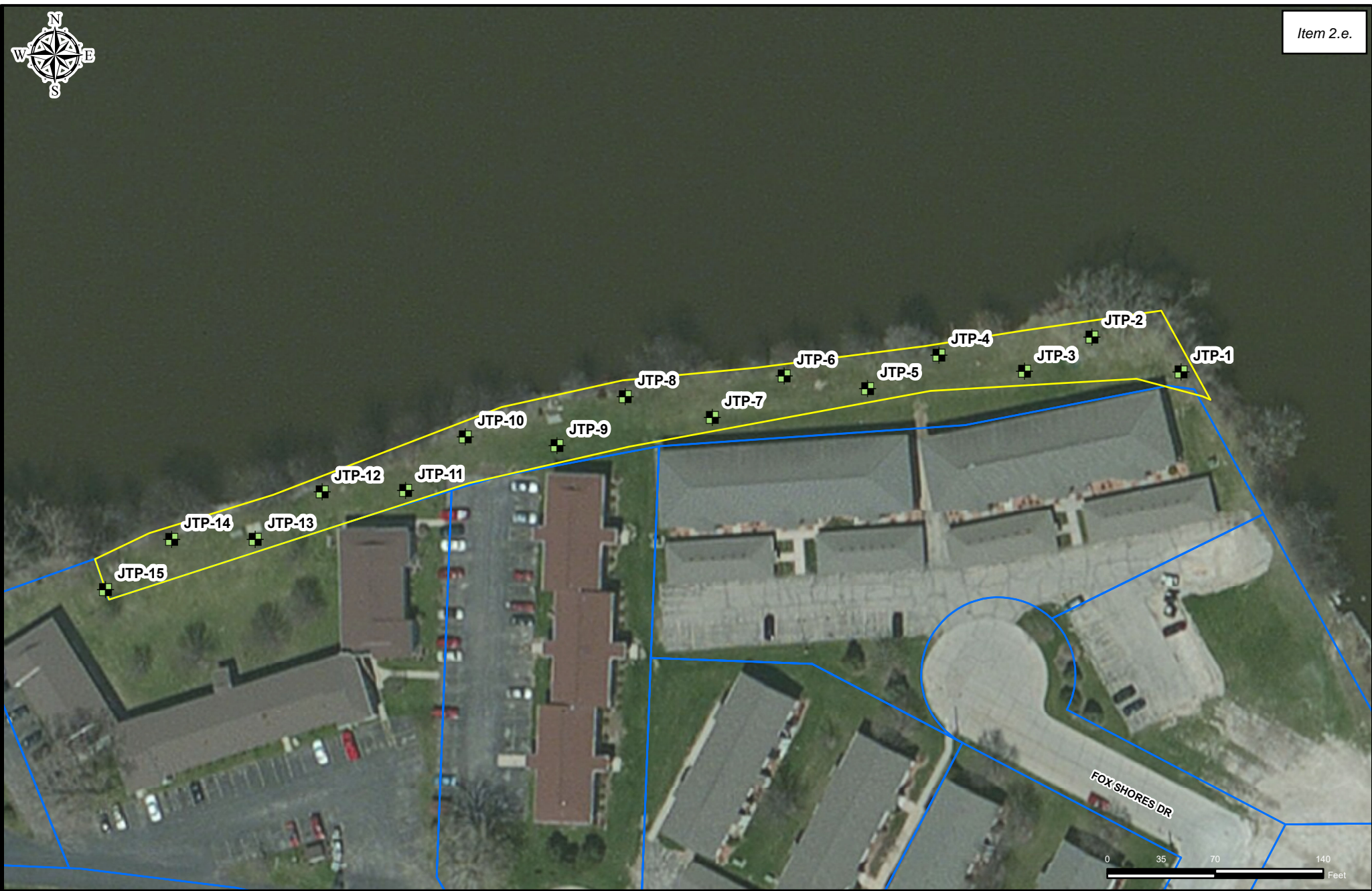
ec: John Neumeier – [neumeier@kaukauna-wi.org](mailto:neumeier@kaukauna-wi.org)  
Thomas Vandeyacht – [tomv@vmi-vdi.com](mailto:tomv@vmi-vdi.com)  
Logan Rankin – [logan@rentwithfocus.com](mailto:logan@rentwithfocus.com)  
Jeff Brand – Stantec Consulting Services Inc., [jeff.brand@stantec.com](mailto:jeff.brand@stantec.com)  
David Dunn – US Army Corps of Engineers, [david.p.dunn@usace.army.mil](mailto:david.p.dunn@usace.army.mil)  
Curtis Headman – Wisconsin Department of Health Services,  
[Curtis.Hedman@dhs.wisconsin.gov](mailto:Curtis.Hedman@dhs.wisconsin.gov)



LEGEND	
	PARTNER ENGINEERING AND SCIENCE INC. SOIL BORING LOCATION
	STANTEC SOIL BORING LOCATION
	STANTEC HAND AUGER SOIL BORING LOCATION
	APPROXIMATE PROPERTY LINE
	ESTIMATED EXTENT OF SOIL CONTAMINATION EXCEEDING WDNr RCLs FOR DIRECT CONTACT AND/OR GROUNDWATER PROTECTION (ASSUMED TO BE SITEWIDE)

			ESTIMATED EXTENT OF SOIL CONTAMINATION	
1165 Scheuring Road, Green Bay, Wisconsin 54115 Phone: 920-592-8400 Fax: 920-592-8444			FOX SHORES APARTMENTS 400 FOX SHORES DRIVE KAUKAUNA, WISCONSIN	
<small>This drawing and all information contained thereon is the property of Stantec. Stantec will not be held liable for improper or incorrect usage. Professional seals and signatures do not apply to electronic drawing files. The user assumes all responsibility and risk for the accuracy and verification of all information contained in electronic files.</small>				
DATE: 04/24/20	DRAWN BY: JRB	PROJECT MANAGER: JRB	PROJECT NUMBER: 193706620	FIGURE 3





**Legend**



Proposed Test Pit Locations



Parcel J Sample Area



Tax Parcel Boundary



US Army Corps  
of Engineers  
Buffalo District

Drawn By: h5tdekmh  
Date Saved: 03 Feb 2021  
Time Saved: 8:21:07 AM

**PARCEL J PROPOSED TEST PIT LOCATIONS**

KAUKAUNA POWER CANAL PARCEL J  
KAUKAUNA, WISCONSIN

FIGURE 3