



Preserving The Environment •  
Improving Water Quality

May 2, 2005

Mr. Eric C. Reinelt  
Acting Port Director  
The Port of Milwaukee  
2323 South Lincoln Memorial Drive  
Milwaukee, WI

**SUBJECT:** Intergovernmental Cooperation Agreement Between the City of Milwaukee, the Harbor Commission of the Port of Milwaukee, and the Milwaukee Metropolitan Sewerage District Concerning Acquisition, Creation, and Exchange of Land Rights for the Harbor Siphons Project Number C07010

Dear Mr. Reinelt

Enclosed is a draft copy of the proposed Intergovernmental Cooperation Agreement ("ICA") referenced above for consideration at the Harbor Commission's meeting Friday, May 6, 2005. The Milwaukee Metropolitan Sewerage District (the "District") will have several representatives available to discuss the details of the project at your meeting.

Please be advised that the proposed Acquisition Plat has been attached as Exhibit "A". The District's plans and specifications referenced as Exhibit "B" are still under design, and we will need your help in providing Exhibit "C" that shows the relocation of trackage, fencing, lighting, etc. at the construction site on Jones Island.

The District is planning to go to its June 27, 2005 Commission meeting for approval of the ICA by the Milwaukee Metropolitan Sewerage Commission.

If you have any questions or concerns, please do not hesitate to contact me at 414-225-2246.

Sincerely,  
MILWAUKEE METROPOLITAN SEWERAGE DISTRICT

Dennis M. Stefanik  
Real Estate Agent

cc: Larry Sullivan – Port of Milwaukee  
Larry Ellis, Tom Zimmerman, Dave Kasper, Jim Petersen – the District

*milwaukee metropolitan sewerage district*  
260 W. Seeboth Street, Milwaukee, WI 53204-1446  
414-272-5100 • [www.mmsd.com](http://www.mmsd.com)

INTERGOVERNMENTAL COOPERATION AGREEMENT  
BETWEEN THE CITY OF MILWAUKEE, THE HARBOR  
COMMISSION OF THE PORT OF MILWAUKEE, AND  
THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT  
CONCERNING ACQUISITION, CREATION, AND EXCHANGE  
OF LAND RIGHTS FOR THE HARBOR SIPHONS  
PROJECT NUMBER C07010

The City of Milwaukee, a general purpose municipal corporation, organized and operating pursuant to special charter, hereafter "City," the Harbor Commission of the Port of Milwaukee, organized pursuant to secs. 30.37, Stats., and operating pursuant to secs. 30.30 through 30.39, Stats., hereafter "Harbor Commission," and the Milwaukee Metropolitan Sewerage District, a municipal body corporate, organized and operating pursuant to secs. 200.21 through 200.65, Stats., hereafter "District," enter into this Intergovernmental Cooperation Agreement, pursuant to sec. 66.0301, Stats., on the date of the last signature appearing herein below, for the purpose of establishing the respective roles of the parties in the acquisition, creation, and exchange of land for the Harbor Siphons Project:

WHEREAS, the District is empowered to project, plan, design, construct, operate and maintain a system of sewers for the District's sewerage service area; and

WHEREAS, the District, during its work on the Central Metropolitan Interceptor Sewer Rehabilitation Program, has identified the need to construct siphons under portions of the Milwaukee harbor to enhance the District's ability to better treat sewage generated within the District's service area; and

WHEREAS, the District has identified the need to construct two siphon crossings of the Harbor Basin that meet at a common point on Jones Island in close proximity to the District's wastewater treatment plant and to the Harbor Commission's container shipment yard; and

WHEREAS, a plan to mine the siphons under the harbor in both directions from Jones Island would produce rock and soil that

can be used in a cost effective manner to partially fill the former car ferry site adjacent to the District's wastewater treatment plant and the Harbor Commission's container shipment yard; and

WHEREAS, the District intends to completely fill the former car ferry site with suitable spoil material from the siphon project and other acceptable sources to facilitate an equal land exchange between the parties; and

WHEREAS, the District and the City have competing riparian interests in the former car ferry site; and

WHEREAS, the Metropolitan Sewerage Commission adopted an Acquisition Plat for the Harbor Siphons Project at its meeting on July 28, 2003, and revised at its meetings on November 17, 2003 and June 27, 2005, which plat has identified various parcels, the ownership thereof, and the property interests that the District must acquire from the City and the Harbor Commission, all as shown on the attached "Exhibit A"; and

WHEREAS, the land created by filling the former car ferry site would be of use to the City and the Harbor Commission and would be of use to the District; and

WHEREAS, the City and the Harbor Commission and the District are willing to transfer the new land created at the former car ferry site among themselves for the benefit of the public; and

WHEREAS, the City and the Harbor Commission are willing to accommodate the District's land acquisition needs at Jones Island provided that the District accommodates Milwaukee Intermodal Terminal LLC, the current tenant of the Harbor Commission that now occupies the proposed construction site, or any subsequent tenants. Accommodation consists of relocation of the tenant to another part of Jones Island or reimbursement for additional operational costs associated with the District's project and other disruptions, which disruptions are addressed within this Agreement;

NOW, THEREFORE, in light of the above and foregoing declarations, the City, the Harbor Commission, and the District enter into this Intergovernmental Cooperation Agreement, concerning acquisition, creation, and exchange of land rights for the District's Harbor Siphons Project:

1. **Acquisition of Easement Interests and Permits in City of Milwaukee Land.** In exchange for One (\$1.00) Dollar and other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the District is hereby granted the following land interests and permits from the City and the Harbor Commission:

(A) East Erie Street Easements and Permits. The City will cooperate with the District in granting various permits to construct, operate and maintain the planned Harbor Siphon facilities in existing and new street right of way at the foot of East Erie Street south of East Pier Street, and allow the use of the District's existing Easement rights at the foot of Erie Street for the construction, operation and maintenance of new and modified sewer facilities associated with the Siphon project, all being in the City of Milwaukee, Wisconsin.

(B) Temporary Easement (Erie Street). The City and the Harbor Commission hereby grant a temporary easement to the District for Parcel 8B (0.397 acres) adjacent and east of the foot of East Erie Street, City of Milwaukee, Wisconsin on lands currently leased to Milwaukee World Festivals. Said area shall be restored "In Kind" after construction is complete. Said construction shall be scheduled to avoid significant conflicts with the festival season.

(C) Temporary Easements (Jones Island). The City and the Harbor Commission hereby grant temporary easements to the District for Parcels 17A (0.897 acres), and 17B (0.593 acres) at Jones Island, City of

Milwaukee, Wisconsin. Said areas shall be restored "In Kind" after construction is completed.

D) Tunnel Easement: The City and the Harbor Commission hereby grant a tunnel easement to the District for Parcel 17 (0.404 acres), including any applicable riparian interests for the two siphon crossings to Jones Island from East Scott Street extended and from the foot of East Erie Street, City of Milwaukee, Wisconsin.

2. **Acquisition of Land Interests by the City and the District at Jones Island.** In exchange for One (\$1.00) Dollar and other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the District and the City acquire the following respective land interests:

A) Land in Fee Ownership: The City and the Harbor Commission hereby quit claim Parcel 17E (1.624 acres) to the District.

B) Land Created at the Former Car Ferry Site. At the completion of the District's fill operations to create the land denominated as Parcels 17C and 17D, the District will deliver a quit claim deed to the City for 1.644 acres of the fill area described in the Acquisition Plat as Parcel 17D. At the same time, the City will deliver a quit claim deed for 0.392 acres of the fill area, described on the Acquisition Plat as Parcel 17C. In addition to the consideration referenced above, this exchange of quit claim deeds is intended to compromise and settle the respective riparian claims by the City, the Harbor Commission, and the District to the District-created land.

3. **Settlement for Additional Operational Costs Associated with the District's Project and Other Disruptions of Milwaukee Intermodal Terminal LLC.**  
The parties recognize that the land transfers set forth

herein above may result in certain inefficiencies in operations for the Milwaukee Intermodal Terminal LLC or any subsequent tenants that may occupy the proposed construction site during the construction period. Should such inefficiencies be caused, the District agrees to pay the Harbor Commission a reasonable amount to assist in either completely relocating Milwaukee Intermodal Terminal LLC (or any subsequent tenant) on Jones Island or to modify the tenant's lease for the temporary relocation and additional operating expenses associated with the Harbor Siphons Project. The reimbursement and expense items for Milwaukee Intermodal Terminal LLC consist of the following (A through D). It is noted that some of the following items may no longer need to be addressed due to changes in the lease agreement and recognizing previous security work done by the Harbor Commission.

A) Increased Fuel and Labor Costs. the sum of One Hundred Fifty Thousand (\$150,000.00) Dollars as a complete settlement of any past, present, or future claims of increased costs caused by inefficiencies resulting from the land transfers set forth herein above.

B) Fencing and Lighting. The District is to construct security fencing along the entire east side and south side of the terminal yard as shown on the attached Exhibit "C". The District is to install approximately four (4) appropriate gates at all points of access through the fence by rail or truck. Any lighting, telephone or power poles that might be adversely affected by the new fence line shall be relocated to the nearest perimeter point. All such work is to be done at District expense.

C) Trackage. The District is to upgrade tracks # 3, #15, and #16 to workable condition. The District is to fill and pave between Tracks #14, #15, and #16 so that "toploaders" can approach for loading and unloading. It is expressly understood that the District may shorten

Tracks #13 and #14, all as shown on the attached Exhibit "C". All such work is to be done at District expense.

D) Address Yard Pinch Point. The District agrees to address a yard pinch point in the terminal yard by expanding the yard slightly near the entry gate on Carferry Drive and by fencing and paving to widen the yard at the point where Carferry Drive and Track #3 are in closest proximity (approximately across the street from Kaszubes' Park).

4. **Additional Facilities.** At the request of the Harbor Commission, the District will consider the design and construction of a duct/or suitable pipe to be installed in its siphon tunnel from the foot of East Erie Street to Jones Island. The purpose of said duct/pipe would be to accommodate future fiber optic cable or other communication facilities that will serve Harbor Commission and Wisconsin Department of Transportation security facilities, as well as to accommodate possible future fiber optic connections for the District. The cost for design and construction of said duct/pipe will be offset by any credits for expenses no longer applied to the Milwaukee Intermodal Terminal LLC claim. Should the cost exceed the value of the credits, the additional cost will be shared equally by the parties served from the duct/pipe (Wisconsin Department of Transportation, the District and Harbor Commission/City, etc.). The parties acknowledge that a separate easement agreement will be required for those using the duct/pipe in the District's siphon facility.
5. **Fill Material for the Former Car Ferry site.** The District intends to completely fill the former car ferry site with suitable material no later than the end of 2010. As an alternative, the District will make reasonable efforts to use fill from the Jones Island CDF (Confined Disposal Facility) area to complete the car ferry site fill operation under the following conditions:

- (A) that the District's project timing is not significantly impacted,
- (B) that the landfill restrictions will not limit the future use of the fill site for the Harbor Commission,
- (C) that it is economically feasible for the District,
- (D) that it is environmentally feasible for the District and Harbor Commission.

6. **Permits and Easements.** The District will obtain any required permit under Ch. 30, Stats., and any necessary United States permits. The District will obtain necessary easements and construction easements, as, where, and when necessary, for all work covered by this Agreement.

7 **Cost of Construction.** The entire cost of construction of the filled area at the former car ferry dock shall be borne by the District. As between the City and the District, the District is to determine the means and methods of construction. The City and the Harbor Commission will be responsible for finalizing the surface finish of the fill site (with asphalt, concrete or other suitable material) and will coordinate the timing and finish grade specifications with the District.

8. **Additional Items (relating to Harbor Commission Owned Water and Sewer Facilities.**

(A) At the Harbor Commission's request, the District will review and consider using the Harbor Commission's water main that serves the Harbor area from the south so as to minimize pipe flushing operations and maintenance expenses. The Harbor Commission proposes to sell the water from the south water main feed to the District at or below its costs in order to resolve the current maintenance problems.

(B) The District will consider the Harbor Commission's request for a sewer connection from the expanded CDF

area so that supernatant generated from said CDF area can be directed to the nearby sanitary sewer and thereby treated at the District's treatment plant rather than being released directly into the Harbor. The cost and design of the sewer extension and connection to include any pumping facilities will be the responsibility of the Harbor Commission and said plans will be subject to review and approval by the District.

- A. **Deeds and Easements.** The exchange of deeds and granting of easements as referenced above will be completed in a timely fashion with the District providing the draft documents for final review and approval by the Harbor Commission and City. The terms and conditions shall not be inconsistent with this Intergovernmental Cooperation Agreement, and where necessary will be more specific. It is recognized that the exchange of deeds for the fill area will follow the other conveyances as the fill area gets specifically defined and substantially completed.
- B. **Review of Plans and Specifications.** The Harbor Commission reserves the right to review all plans and specifications associated with the above project to insure that their interests are adequately represented. Said review will be in a timely fashion and proposed construction plans may be used as exhibits in the required deed and easement documents. Those plans and specifications specific to the fill area are attached as "Exhibit B". The Acquisition Plat showing the various land interests is attached as "Exhibit A".



WHEREFORE, the authorized representatives of the parties to this Intergovernmental Cooperation Agreement affix their signatures, being duly authorized to do so.

**City of Milwaukee**

**Milwaukee Metropolitan Sewerage District**

By: \_\_\_\_\_  
Position: \_\_\_\_\_  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Position: \_\_\_\_\_  
Date: \_\_\_\_\_

Approved as to form:

Approved as to form:

By: \_\_\_\_\_

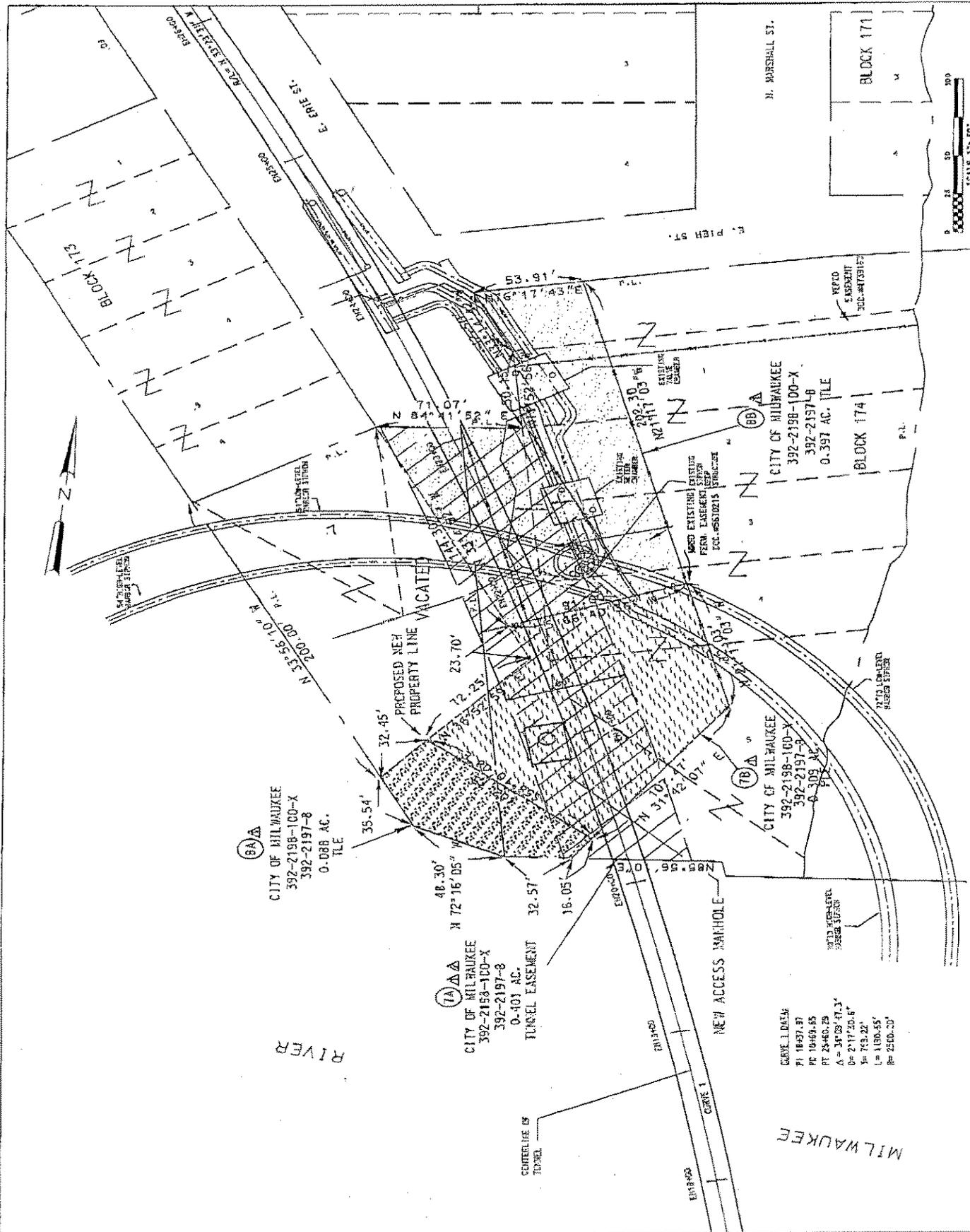
By: \_\_\_\_\_

Office of the City Attorney  
of the City of Milwaukee

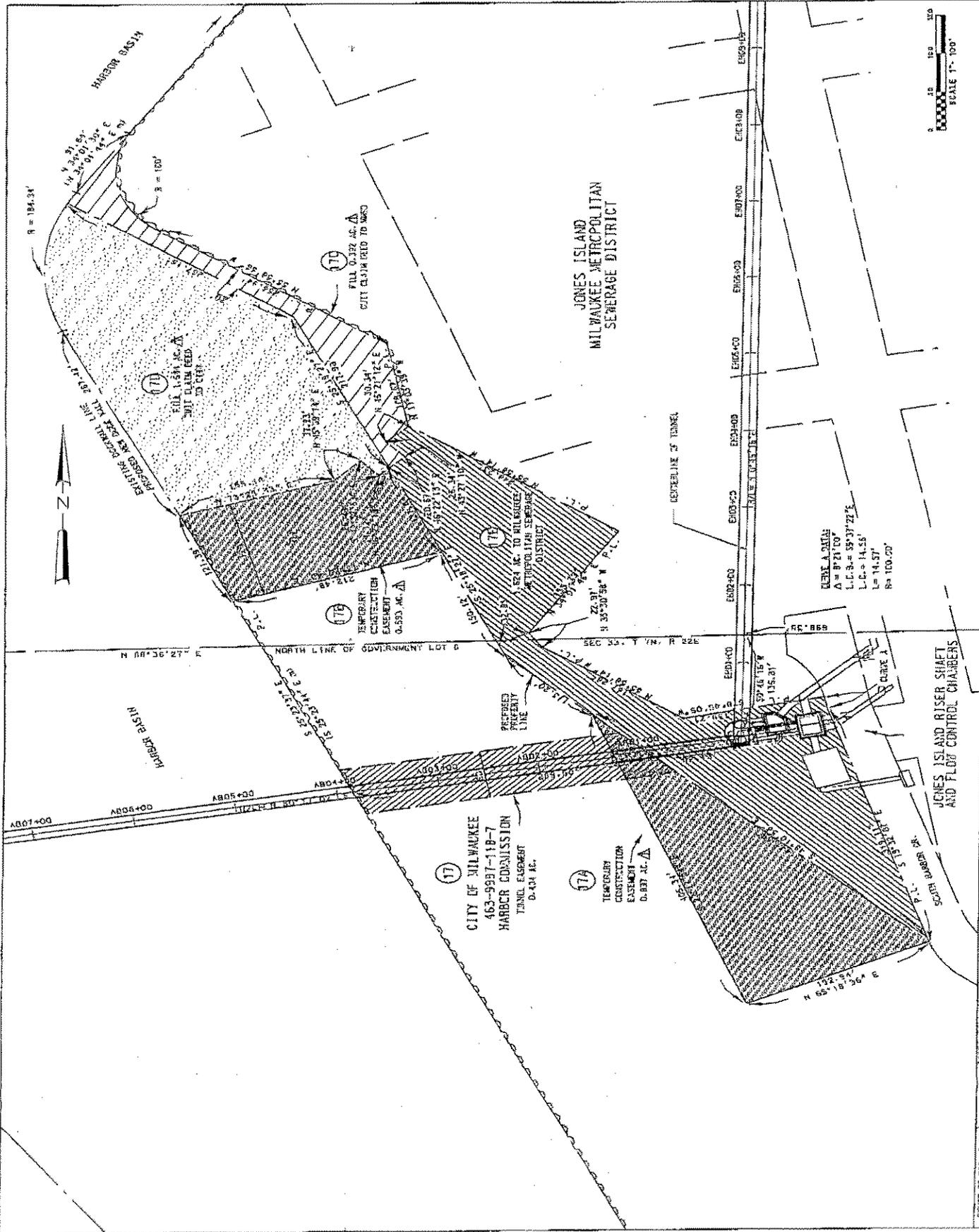
District Division of Legal  
Services, Milwaukee  
Metropolitan Sewerage  
District

**Harbor Commission of the Port of Milwaukee**

By: \_\_\_\_\_  
Position: \_\_\_\_\_  
Date: \_\_\_\_\_



<p><b>REVISIONS</b></p> <p>NO. DATE BY</p> <p>1 07/12/05 [Signature]</p>	<p>12-1-03</p> <p>11-17-03</p> <p>11-17-03</p> <p>11-17-03</p>	<p>REVISED: SUBMITTAL</p> <p>REVISION: INCREASE</p> <p>REVISION: INCREASE</p> <p>REVISION: INCREASE</p>	<p>81</p> <p>11/17/03</p>	<p><b>DESIGNER</b></p> <p>RAY/LARZA</p> <p>1000 W. WISCONSIN ST.</p> <p>MILWAUKEE, WI 53233</p>	<p><b>DATE</b></p> <p>11/17/03</p>	<p><b>SCALE</b></p> <p>1" = 50'</p>	<p><b>PROJECT</b></p> <p>MILWAUKEE METROPOLITAN SEWER DISTRICT</p> <p>INTERCEPTOR INTERCEPTOR SEWER SYSTEM</p> <p>PARISH SQUARES</p>	<p><b>DATE</b></p> <p>13 OF 22</p>	<p><b>CONTRACT</b></p> <p>157R-2303</p>	<p><b>PROJECT NO.</b></p> <p>00301000</p>
	<p>12-1-03</p> <p>11-17-03</p> <p>11-17-03</p> <p>11-17-03</p>	<p>REVISED: SUBMITTAL</p> <p>REVISION: INCREASE</p> <p>REVISION: INCREASE</p> <p>REVISION: INCREASE</p>	<p>81</p> <p>11/17/03</p>							



<p>DATE: 9/08/22                  SHEET: 2 OF 2                  CONTRACT: 00010001                  DRAWN BY: [Signature]</p>	
<p>MILWAUKEE METROPOLITAN SEWERAGE DISTRICT                  METROPOLITAN INTERCEPTOR SEWER SYSTEM                  HARBOR SEWERAGE                  RISES DEMONSTRATED APPROXIMATELY: JULY 28th, 2003                  RISES REVISIONS APPROXIMATELY: NOVEMBER 17th, 2003</p>	
<p>17-17-03 PARCEL NO. 17F INCORPORATED INTO D.D. 17C                  17-17-03 AREA INCREASES OF THE 17A AND 17B                  REVISION DESCRIPTION</p>	
REV NO.	DATE
1	08/22/05
<p>DESIGNED BY: [Signature]                  CHECKED BY: [Signature]                  DRAWN BY: [Signature]</p>	
<p>SCALE: 1" = 100'</p>	

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**MINUTES OF  
THE BOARD OF HARBOR COMMISSIONERS  
May 6, 2005**

PRESENT: Commrs. Hoelter , Martinsek, San Felippo, Chang, Bauman, Pres. Steiningcr

IN ATTENDENCE:

Mr. John Roethle, The Roethle Group  
Mr. Stefaniak, Real Estate Agent  
Mr. Al Day, Federal Marine Terminal  
Mr. Roy Cook, KMBT  
Mt. Chuck Ward, Pier Wisconsin  
Mr. Stuart Mukamal, City Attorney's  
Ms. Angelyn Ward, LRB  
Mr. Eric Reinelt, Port of Milwaukee  
Mr. Lawrence E. Sullivan, Port of Milwaukee  
Ms. Donna Luty, Board Secretary

**Approval of March 4, 2005 Minutes**

Commr. San Felippo's motion to approve the March 4, 2005 minutes was seconded by Commr. Martinsek and carried by the following vote:

AYES: Commrs. Martinsek, San Felippo, Chang, Bauman, Pres. Steinger  
NOES: None  
ABSENT: Commr. Hoelter

**Approve in Principal Intergovernmental Agreement with MMSD for Land Exchange at CHLD**

Mr. Sullivan stated that on November 5, 2004 the Board approved in principal a plan to work with MMSD on their Harbor Siphon Project. The Board approved the principal contingent upon a written agreement be worked out for final approval. Today, a draft intergovernmental agreement was presented for the Board's consideration. Mr. Sullivan recommended that the Board approve the agreement and authorize staff and the City Attorney's office to finalize details of the document. The agreement will then be transmitted to the Common Council for their approval.

The siphon plan involves filling in the C&O carferry slip and a small amount of work on the Erie Street siphon. The boring machine would go in the CHLD and all the rock will come out.

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Mr. Dennis Stefaniak, real estate agent, explained that the purpose of the project is to stop sewerage dumping in the Harbor Basin. The new siphon construction will allow for flexibility. If the older siphon would happen to break down, the new siphon will allow the plant to take more

of sewerage during times of wet weather. The main crutch is that MMSD would need more land from the Port/City. The land needs would be off set by creating some land in the old Carferry Slip.

The original plan was to have plenty of stone that would come out of a shaft. However, that project was revised because of cost and was shortened up. It didn't go out into the City as far as he wanted so they will be short of stone. The shortness of stone brought on the potential for using CDF soil to bring in for the shaft but there are a lot of entanglements with that. The general preface is to have an equal land swap. There are a few temporary easement areas where fencing will have to be relocated and trackage and so on. Mr. Stefaniak met with the Mayor last week because of the Erie Street development. DCD had some concerns because they want to sell the land for building purposes and wanted build up the lot line.

Commr. Bauman asked how this project is going to effect the new condos by Erie Street.

Mr. Stefaniak mentioned that everything that comes from the City of Milwaukee and the northern suburbs comes through the foot of Erie Street to get to the treatment plant. The street is loaded with utilities that serve the new Renner development and MMSD wants to stay out of that. The area he wanted to go in, is his existing easements from the 1980's. He wants to stay in the easement area but DCD said that they want to build up to the property line or MMSD's existing facilities. If MMSD goes in the street there's a good chance there's going to be damage, possibly drive sheet pile and do other construction activities right next to the facility, restaurant and condos. The compromise finally was to allow some air rights and to build in the existing easement and stay out of the street and cause less disruption.

The siphon project is going to be done in increments over a three-year period during the off months and start construction in the beginning of 2006.

Commr. Martinsek's motion to approve in principal the Intergovernmental Agreement with MMSD for land exchange at the CHLD was voted on unanimously.

AYES: Commrs. Hoelter, Martinsek, San Felippo, Chang, Bauman, Pres.  
Steininger

NOES: None

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### Executive Session

Commr. Hoelter's motion to convene in Executive Session to deliberate upon utilization and lease negotiations of various Port properties and to deliberate upon the Municipal Port Director position was seconded by Commr. Chang and carried by the following vote:

AYES: Commrs. Hoelter, Martinsck, San Felippo, Chang, Bauman, Pres.  
Steininger

NOES: None

The meeting was brought back into open session.