



Department of Planning & Community & Economic Development  
**Building Inspection Division**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

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**DATE:** December 1, 2008

**TO:** Plan Commission

*George Hank (THA)*

**FROM:** George C. Hank, Director  
Building Inspection Division

**SUBJECT:** Agrium US Inc. Properties; 902 Dempsey Road, 802 Dempsey Road, 510 Cottage Grove Road and 406 Cottage Grove Rd.

The Agrium properties were inspected on Monday, December 1, 2008 for compliance with Official Notices 208136017 (802 Dempsey Rd.), 208136023 (902 Dempsey Rd.), 208136019(406 Cottage Grove Rd.), 208136022 (510 Cottage Grove Rd.) and 208238012 (902 Dempsey Rd. Graffiti) and found the following:

\* Agrium's fencing contractor has completed their repairs on the perimeter fencing. They have replaced damaged components and added additional fencing material in various locations so that persons cannot crawl under the fence. The fence repairs were done in a manner that would provide adequate security against entry.

\* The fencing contractor has also installed a section of 8-foot tall chain link fabric in the accessible barn door type opening of the dome storage structure. This was done in lieu of making expensive and extensive repairs to the door. This alternative method is an acceptable form of securing this building under case # 208136022. Both of the domed structures are secured.

\* Agrium's building contractor has moved equipment onto the site but has not started working. The contractor has said that a contract was released; Building Inspection has not seen this contract. The large granulation building and associated storage building across the tracks, the large propane tank, the well building and the scale office (between the storage domes) were not secured.

\* Agrium has submitted a Graffiti co-pay application with associated payment to the Building Inspection Division for the removal of graffiti from the ground level areas of the buildings. The application was received and processed on November 24, 2008 (case # 208218012). This will take care of the majority of the graffiti on the buildings. The owners will still need to remove or paint out the graffiti on the upper levels of the building.

With the repair of the perimeter fence, the site is much more difficult access. The buildings still need to be secured against illegal entry.

## Stouder, Heather

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**From:** Palm, Larry  
**Sent:** Monday, December 01, 2008 9:30 AM  
**To:** Stouder, Heather; Cnare, Lauren  
**Cc:** Murphy, Brad; Firchow, Kevin; Parks, Timothy  
**Subject:** RE: Agrium demo discussed delayed

Hi Heather-

My only concern is on #12... with Agrium's proposal they would demolish the building, but there would be no underlying change to the zoning that would permit the development of another industrial use. If the property hasn't sold in another 24 months, this would be a big incentive for Agrium to just dump the property to anybody who wanted to use the site for any sort of use...

Larry

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Alder Larry Palm, District 15  
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-----Original Message-----

**From:** Stouder, Heather  
**Sent:** Mon 12/01/08 9:20 AM  
**To:** Palm, Larry; Gruber, Timothy; Cnare, Lauren; Kerr, Julia; Nan Fey; 'jolson@operationfreshstart.org'; 'jball@mge.com'; 'jabowser@facstaff.wisc.edu'; 'mabasford@charter.net'; 'bethawhitaker@yahoo.com'; 'michael.heifetz@deancare.com'; 'erics@cows.org'  
**Cc:** Murphy, Brad; Firchow, Kevin; Parks, Timothy  
**Subject:** Agrium demo discussed delayed

Good morning, Alder Palm and Plan Commissioners:

As you know, the Agrium demolition request was scheduled to be discussed this evening as old business prior to the 6:00 public hearing.

I arrived this morning to a call from Daren Couture, who's flight from Calgary has been delayed and rerouted through Denver today due to cancellations to O'Hare. He is scheduled to arrive in Madison at 6:45 PM, and will arrive at the meeting as soon as possible. He plans to update me if there are any further delays.

At his request, we will be asking that the Plan Commission table the item until the end of the public hearing.

2 Late Handouts Expected on this item:

1) With regard to progress being made to the site (building and fence repairs), Building Inspection staff will be making a site visit today at 1:00, and will be submitting a brief memorandum based on their findings to be submitted to the Plan Commission as a late handout this evening.

2) Agrium has concerns regarding staff's suggested conditions #8 and #12, and Mr. Couture would like to be sure these are discussed this evening. He has submitted a revised staff addendum (attached, hardcopy to be distributed as a late handout) with Agrium's suggested changes to conditions #8 and #12 in bold print.

Thank you very much, and I'll see most of you this evening.

Sincerely,

Heather Stouder, AICP  
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City of Madison Department of Planning & Community & Economic Development  
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**Stouder, Heather**

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**From:** Bowman, Lori G - DATCP [Lori.Bowman@Wisconsin.gov]  
**Sent:** Monday, December 01, 2008 4:12 PM  
**To:** Stouder, Heather; Wojner, Wendell J - DNR; Waidelich, Michael; Graham, Rick C - DATCP  
**Subject:** RE: Agrium demo discussion delayed

Heather,

thanks for the great chat this afternoon. I really appreciate all of your work in keeping this project on task. I know it is not easy.

Based on the information you provided and the timeline below, DATCP will not be able to attend the meeting this evening. I wanted to provide you information about the issues outlined so you have our response and can share, if appropriate. The attachment you provided, pretty much lists the issue that Agrium would like to discuss...the 24 month timeline.

I reviewed the revised language in item #12 of the addendum and had questions. Based on the language, it appears that at the 36-month point an assessment will be done as to the status of the property. It appears that depending on the status (no sale, sale pending? or no attempt to sell the property), Agrium will be responsible to "...within a reasonable period of time, make applications for necessary permits..." **For the purposes of design and construction of a capping plan for the property, the maximum time frame for the cap to be functionally in place needs to be determined.** We will need to know the anticipated maximum time line for the cap to be in place to review and approve of a capping plan. In addition, depending on the life expectancy of the cap, we will need to assess the cap maintenance plan. For our review process, I respectfully request clarification on the proposed language to determine the City's intended maximum end point for the capping option. Also, please note that the longer the cap is in place, the more expensive this option will likely become.

As we discussed this afternoon, in answer to the question of is it feasible to design and construct a cap for the site that will be functional for greater than 24 months? **Yes, it is technically feasible.** Without having a detailed plan to review and provide comments on, I cannot definitively say if this option will be approvable for the Agrium property. As we stated in the November Planning Commission meeting, capping as outlined by Agrium for the Royster Clark property can conceptually work as a temporary remedy. However, the details of the plan are where the final determinations are made on whether it can/should be done. For example, if the results of sampling under the floor/foundation of the existing building determine that very high concentrations of contamination exist, we may not want to approve this option. We have not yet seen a detailed plan for the site so cannot make a definitive statement on feasibility or reasonableness of the plan for the Agrium property. In addition, we have stated in previous correspondence with Agrium that the capping design plan must be prepared and approved by a Wisconsin licensed professional engineer.

In summary, the capping plan for the Agrium property could conceptually be designed and constructed for greater than a 24-month "life span". We would need to know the proposed time frame for the cap to be functionally in place to review the plans we receive from Agrium. When we receive the plans from Agrium, we will review them as quickly as possible, but it will likely take several weeks for us to complete the level of review necessary.

I recognize that the City and Agrium have many questions and issues that need to be resolved. If needed, Rick Graham and I can make ourselves available to meet with Darren and/or you while he is in town (I will assume Tuesday/tomorrow). Please let me know if I can answer any additional questions before the meeting or if you would like to meet tomorrow to discuss further. Thanks.

Lori G. Bowman  
Agrichemical Management Bureau Director  
Dept. of Agriculture, Trade and Consumer Protection  
608/224-4550

12/4/2008