

From: Kester, Dolores
Sent: Thursday, June 11, 2020 12:59 PM
To: Veldran, Lisa; Abbas, Syed
Cc: Mayor; Orrantia, Leslie; Baumel, Christie; All Alders
Subject: FW: Agenda Item #4 Common Council Executive Committee meeting 6-11-20
Attachments: CCEC Agenda 6-11-20.pdf; Finance Committee meeting 3-23-20 Agenda Item #60021 re: Metro's 5339b Grant Application to Federal Transit Administration for articulated buses and bus priority measures; Comment on OMSAP & Bus Barn (CCEC Agenda Item #4)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To: Common Council Executive Committee, All Alders, and Mayor's Office:

We on the Northside of Madison were surprised this morning to learn that someone at city hall has made the decision to suddenly add the Metro's plans for a "bus barn" to the Oscar Mayer Special Area Plan (hereafter, OMSAP) at the eleventh hour (OMSAP had been slated for Common Council review and approval next month and has been making the rounds of various city committees for several months). This evening's Common Council Executive Committee is discussing this with some kind of presentation from Tom Lynch at Metro (see agenda attached). I am not finding any documents included in the Legistar file for this agenda item, are there any?

Unlike the general OMSAP, there has been virtually no public process on these Metro issues other than a sprinkling of small-group presentations.

Metro and City Hall have often not been responsive to requests for information about this and related questions. For example, there has been no response to date to any of the issues raised in either of my memos sent in March of this year to the City Finance Committee and Mayor's office (attached above). Among other significant concerns, there has no response to concerns that OM Building 43 where Metro has been proposing to relocate most Metro operations is located directly over the former OM "Spice Room."

In combining Metro's plans with OMSAP as indicated on the agenda, it appears that the city has done a total 180 on this issue now by abruptly moving this Metro issue into the OMSAP process. This raises many questions, including those in the attached email from Renee Walk, our Sherman Neighborhood Association co-chair. I share Renee's concerns, particularly concerning the need for transparency about the process, the need for public input, and the need for complete answers to the many unanswered questions which have been directed to Metro and City Hall but which have so far gone unanswered.

Thank you for your time and attention.

Dolores A. Kester, Attorney Emeritus

Kester Law Offices

P.O. Box 14073

Madison, WI 53708

Tel. 608-770-7061

Email: kesterlaw2007@sbcglobal.net

S.B. #1004624

1818 Winchester Street

Madison, WI 53704

Email: dakester@sbcglobal.net

Tel. 608-249-1218

Aldermanic District 12

From: kesterlaw2007@sbcglobal.net
Sent: Monday, March 23, 2020 1:37 PM
To: Finance Committee
Subject: Finance Committee meeting 3-23-20 Agenda Item #60021 re: Metro's 5339b Grant Application to Federal Transit Administration for articulated buses and bus priority measures
Attachments: concerns of the Sherman Neighborhood Association re: Oscar Mayer Strategic Area Plan; FW: need for problem solving and conciliation re: Madison Metro's proposal to relocate to Aberg Avenue

Hello Members of the City of Madison Finance Committee:

I write to you re: Agenda Item #60021: Metro's proposed 5339b Grant Application to Federal Transit Administration for "articulated buses and bus priority measures."

Many of us who live or do business on the Northside of Madison, including myself and the Sherman Neighborhood Association, oppose several of Metro's proposals for future operations, including its proposal to purchase two warehouses off of Aberg Avenue and moving its primary place of business to part of the old Oscar Mayer property, also referred to as the "bus barn."

I oppose Metro's application for this new grant to help pay for "articulated buses and bus priority measures" which you are now being asked to approve, for the following reasons.

- The agenda item is highly ambiguous. Who knows what "bus priority measures" means? It probably refers to Metro's land purchase proposal but it definitely could be much clearer. How is the public to understand exactly what they mean if they don't use clear language? Metro needs to quit using bureaucrat-speak and say something that people can understand.**
- No copy of the actual grant application is attached to the agenda, why not? How can the public understand the context of this agenda item without sufficient documentation? Myself, I have been able to get a copy of the application from another source, but what about everyone else?**
- The application claims that the Oscar Mayer warehouses are preferred for the "bus barn" because they would be "Very cost effective when viewed at capital cost per bus, particularly when compared to new construction" (see application, at page 3).**
- I submit to you that it will not be "cost effective" to purchase these warehouses when and if the city:
 - Pays an exorbitant purchase price for these warehouses**
 - Experiences employee health and safety issues when Metro employees are exposed to toxic fumes produced by subsurface contamination under these two Oscar Mayer warehouses**
 - is hit with litigation for joint and several liability for the extensive and severe subsurface contamination involved with these warehouses. Have you seen the lawsuit just filed by the Hartmeyer Trust against Kraft and Reich? If not, you should do your due diligence in regard to the costs associated with this proposed purchase which no one at city hall has disclosed and apparently are not considering.****

Two documents are attached which highlight some of the many concerns about Metro's proposals. Metro now seeks your approval for part of these proposals related to "articulated buses and bus priority measures," whatever that means exactly. I encourage you to carefully consider the fiscal implications of the concerns raised in these attachments:

1. Submittal by Sherman Neighborhood Association in regard to city hall's planning for the Oscar Mayer site, including but not limited to Metro's "bus barn" proposal.
2. Email which I recently sent to the mayor about a number of issues related to the "bus barn" issue. To date no response has been received to the concerns expressed in this email; nevertheless, your agenda includes a request that you authorize Metro to take one step further in the wrong direction.

Thank you for your time and attention. As the city's Finance Committee, review of proposals for fiscal prudence should be a high priority. What Metro is proposing requires careful scrutiny to prevent taxpayers being on the hook for proposals that are fiscally imprudent considering all facts and circumstances.

Dolores A. Kester, Attorney Emeritus
Kester Law Offices
P.O. Box 14073
Madison, WI 53708
Tel. 608-770-7061
Email: kesterlaw2007@sbcglobal.net
S.B. #1004624
1818 Winchester Street
Madison, WI 53704
Email: dakester@sbcglobal.net
Tel. 608-249-1218

From: Kester, Dolores
Sent: Wednesday, January 22, 2020 10:03 AM
To: McAuliffe, Daniel
Cc: Orrantia, Leslie; Baumel, Christie; Stouder, Heather; Mikolajewski, Matthew; Fruhling, William; Abbas, Syed
Subject: concerns of the Sherman Neighborhood Association re: Oscar Mayer Strategic Area Plan

Dear Mr. McAuliffe,

The members of the Sherman Neighborhood Association (hereafter, SNA) are responding to a proposed redevelopment plan for the land formerly occupied by Kraft Foods Inc. and the surrounding area within the Oscar Mayer Special Area Plan (hereafter, OMSAP) boundary.

The OMSAP charts a direction for the Oscar Mayer site which is substantially different than the vision we in the neighborhood have previously set out through city planning processes. SNA recognizes the impact of the Kraft property on the city and region at large; however, the boundaries of the special area plan fall almost wholly within our boundaries. It troubles us that the City has gone to such lengths to obtain input from those across Madison, and has used this input to radically redirect the vision that we on the Northside have set out for ourselves.

The Northport-Warner Park-Sherman Neighborhood Plan (adopted Nov 2009) emphasizes that future development should not disturb or destroy the existing character of the neighborhood. Per that plan, development in our neighborhood should enhance local economic development, enhance recreation and sustainability of green spaces, create stable and inviting places to live, enhance the gateway corridor, and encourage compact, green building that minimizes resource consumption and environmental impacts. The OMSAP plan as written does not uphold several of these tenets:

Enhancing Recreation and Sustainability of Green Spaces

There is strong support on Madison's Northside and in the Sherman Neighborhood for preserving the wetlands known as the Hartmeyer Natural Area. The Friends of Hartmeyer Natural Area have advocated for keeping all 30 acres of the Hartmeyer land for open natural space for the neighborhood, which the group has offered to city planners as a plan option called the Conservation Concept (Concept C). At a Common Council meeting late in 2019, an amendment by Ald. Syed Abbas putting \$20,000 dollars into the budget to fund a review of the Hartmeyer wetland boundaries and environmental concerns resoundingly passed the Common Council. The current draft plan contains images proposing the redevelopment of the Hartmeyer property with low to medium-density multi-story housing units, new roadways, and a major reduction in the overall size of the wetland to a 3-acre pond and a 5-acre park. We do not support this concept, and instead, wish to preserve the full acreage of the natural area.

Enhancing the Gateway Corridor and Transportation

Public transit improvements, interconnecting pedestrian and bike paths to other areas in the city, and the creation of a Metro north transfer station that is no longer safety-challenging, isolated, unwelcoming and nearing its capacity, should be a key part of the plan; we do not feel this is adequately reflected. As the city looks toward

to adding a large number of residents to the Northside, let us also look at creating a well-integrated transit system that people willingly choose for their commutes and that supports greater transit access to the Northside.

The OMSAP proposes major changes in the roads in and near the Oscar Mayer site, including turning Packers Avenue from a highway into a city street and cutting a new Coolidge Street extension through the Oscar site, the Hartmeyer wetland, and through to Sherman Avenue. However, it is not clear that this will be allowed by the Canadian Pacific Railroad, which has control over the railroad crossings affected by any road changes, or by the State Department of Transportation, which has a vested interest in Packers as a highway.

Nowhere in the new OMSAP, which is focused on creating well connected and walkable, transit-based neighborhoods does it show a high demand for more roads to be installed. Clearly, the Mayor wants fewer cars on the roads than we currently have; why add more roads when neighbors would prefer pedestrian connections between neighborhoods? Perhaps a bridge over Packers Avenue could also announce the gateway of innovative planning that we are endeavoring to produce through this process, and would be clearly more in keeping with the comprehensive plan.

If and when a Metro facility and an MG& E transportation and supply facility are brought to our community, the movement of traffic on the Northside will be forever changed for the worse. If the plan for Metro is to eventually move all of its operations to this north facility in a couple of decades, large vehicle traffic will increase greatly, which will cause more pedestrian hazards and air pollution in a residential area and harm to area businesses. The bus barn concept is in stark contrast to the otherwise stated vision of the OMSAP and the comprehensive plan to create a living, walkable, commerce-friendly space.

Encouraging Compact, Green Development

The current comprehensive plan recommends that traditional neighborhood development principles should be followed to ensure complete neighborhoods. According to the current draft OMSAP, there is a projected addition of 4,000 households that would be added to the north side of Madison by 2040. This will almost double our current neighborhood population, and will drastically change the character of our neighborhood.

In the creation of complete neighborhoods, we would recommend that additional housing, if any, at the Oscar Mayer site and elsewhere on the Northside, include more of the missing middle housing that keeps with the current scale of the neighborhood and helps address concerns expressed by the Mayor regarding available housing stock. Small apartment buildings, single-family houses, small rental units and rowhouses, and perhaps live/work units can add to the mix of housing needed to support a diverse and walkable area for our new neighbors and the current population which would help maintain and preserve the existing character of the neighborhood. Not all renters want to live in a high rise. The greater the range of available housing, the more that new housing is likely to attract a wide range of renters likely to want to focus on resources, businesses, recreation and community activities in the surrounding neighborhood.

Minimizing Environmental Impacts

At a meeting at Lakeview Lutheran Church in the fall of 2019, city staff and local residents shared environmental information related to the various contaminated areas within the Oscar Mayer Special Area Plan boundaries. The city held up an RFP for conducting an environmental site assessment due to the current owners of OM Station only allowing property access when a more firm agreement to purchase was in place. Now that the city has been awarded the \$7 million towards the purchase of the land at OM Station through a U.S. Federal Transit Administration (DOT) Bus and Bus Facilities Grant (hereafter, FTA grant), the intent must be for the city to proceed with its plans to conduct an environmental site assessment as part of its due diligence towards any proposed future purchase of acreage at OM Station for a Metro bus facility.

Our neighborhood seeks to understand what responsibility the city will assume in cleaning up known subsurface contamination and providing a safe facility for Metro workers. According to the Metro facility analysis report, employee safety was first on the list of many reasons they want to eventually move all Metro operations from their current location on E. Washington to the OM Station facilities. Building 43, where employees will work, could be subject to off-gassing from the toxic substances in the ground and must be addressed. Toxic substances also need to be addressed in the other building proposed for purchase (Building 50) to ensure future occupants are safe from chronic long-term exposure.

Careful evaluation of historically contaminated subsurface lands has to be a priority as large redevelopment projects are considered for Madison's Northside on the Oscar Mayer property. Numerous contaminants have been found in our surface water (PFAS) and groundwater (Trichloroethylene and Ethylene Dichloride, to name a couple). These subsurface waters still flow through areas that were historically marsh and wetland, and that includes the Oscar Mayer site as well as most of Madison's Northside. Presumably, this flow of subsurface waters is the source of the toxic vapors referred to above. All contaminants site-wide also need to be fully tested and addressed.

The city in the OMSAP planning process trumpets the benefits of the contemplated changes at this location, and admittedly, there may be potential benefits. However, the city—if it values longstanding neighborhoods and businesses—needs to also look beyond the glossy hypotheticals and consider what is valuable in the Sherman Neighborhood and on Madison's Northside that will be at risk if this OMSAP plan unfolds as proposed. Caution and due diligence may help prevent foreseeable adverse consequences.

We urge the City of Madison to thoughtfully consider ways to implement a redevelopment plan for the Oscar Mayer site which will preserve the character of the Sherman Neighborhood within which it is located. This includes, but is not limited to, the concerns set forth above: preserving the quality of life for existing residents and the stability of existing businesses; preserving all 30 acres of Hartmeyer wetlands; preventing congestion by good traffic planning on all streets in or near the Oscar Mayer site, and particularly on Aberg Avenue; locating any bus barn for Metro elsewhere, not in empty Oscar warehouses; and taking responsibility for mitigating or avoiding foreseeable effects of subsurface contamination.

The need to address these concerns fully is imperative. A detailed, substantive response would be greatly appreciated. Thank you for your time and attention.

**Neighborhood Council/Board of Directors,
Sherman Neighborhood Association:**

**Carrie Baranowski, Chris Elholm, Jennifer Argelander,
Justin Dobson, Chet Hermanson, Lynette Jandl,
Dolores Kester, Lesleigh Luttrell, Michelle Martin, Carolyn Rumph, Pat Tuchscherer, Renee
Walk**

The Sherman Neighborhood

The Sherman Neighborhood Association (SNA) extends on its western border along N. Sherman Avenue and Fordem Avenue all the way from Northport Drive south to E. Johnson Street, then along a line extending north from First Street on the east to the point where this line intersects with the railroad corridor, then north and east along the railroad corridor until it intersects with Commercial Avenue. From this point the neighborhood border extends eastward along Commercial Avenue to Packers Avenue, then north along Packers to the intersection with Northport curving west to intersect with N. Sherman Avenue. The Sherman Neighborhood boundaries thus include the entire Oscar Mayer property, which comprises almost all of the OMSAP plan area. As of 2018, the Madison Neighborhoods website estimates 2,835 people live in SNA. (<https://madison.apl.wisc.edu>)

From: kesterlaw2007@sbcglobal.net
Sent: Monday, March 09, 2020 12:39 PM
To: Mayor
Cc: Orrantia, Leslie; Baumel, Christie; Abbas, Syed
Subject: FW: need for problem solving and conciliation re: Madison Metro's proposal to relocate to Aberg Avenue
Attachments: look what Mr. Chet has out near his shop.....; image2 (002).jpeg; image3 (002).jpeg; Chet

Hello Mayor Satya:

I write to you in a spirit of problem-solving and conciliation as a concerned resident of the Sherman Neighborhood about your and Metro's plans to relocate all Metro operations, including maintenance, to two warehouses on the north (Aberg Ave) side of the Oscar Mayer property. As you may know I am a semi-retired attorney and longtime resident of the Northside and talk to a lot of people.

In this email I am speaking not in any representative capacity but only for myself pro bono publico ('for the public good').

There are many concerns about this relocation plan; several of the more important concerns are discussed below.

I am writing to you now because I believe there may be opportunities to try to resolve many if not all these valid concerns about this current "bus barn" proposal in order to prevent their becoming more adversarial. That would not be in anyone's best interest.

THE CONCERNS

Traffic and aesthetic concerns about the proposed Metro relocation plan

Many residents both in the Sherman Neighborhood and in other Northside neighborhoods have serious and growing concerns including but not limited to the traffic congestion that will almost certainly afflict Aberg Avenue and Sherman Avenue if and when the current Metro staff and fleet, augmented by the new BRT electric buses, centralize their operations and movements along Aberg Avenue. These concerns are exacerbated by the fact that Northside residents will not apparently be served by the new BRT buses nor are there plans for improved bus service on the Northside despite being assessed their "wheel tax." Nevertheless, Metro's plans call for Northside residents including Maple Bluff to be subjected to increased traffic congestion on Aberg and N. Sherman Avenues, diesel fumes, and increased traffic delays when all these buses make their mandated stops at the RR crossing on Aberg. In addition, Northside residents including myself believe the proposed "bus barn" will be unaesthetic and industrial in appearance which contradicts the city's redevelopment vision for this area to be more friendly and walkable like a neighborhood should be. These concerns have been repeatedly brought to the attention of Mr. Tom Lynch, Director of Metro, in phone conversations and emails, and to the city's Transportation Policy and Planning Board (TPPB), but have been so far ignored or brushed off as insignificant. If you do not have ready access to these communications I will do my best to have some of them sent to your office.

Absence of public engagement re: the relocation to Aberg proposal and application for federal grant

The "bus barn" proposal from its inception has been segregated from the ongoing Oscar Mayer Strategic Area Plan (OMSAP) process, although it is intimately connected with it. I could be mistaken, but have reason to believe that most of the negotiations about this

Aberg relocation proposal were carried on behind closed doors over the past year with minimal information provided to the public. One study, dated January 30, 2019, looked at Metro needs and alternatives for the future. Tom Lynch, Metro Director, and Matt Mikolajewski of the City Planning Division, briefly made a presentation at the Sherman Neighborhood Association meeting on March 4, 2019, stating briefly among other things that Aberg Ave was being “considered.” Mr. Lynch again appeared at a meeting of the Northside Planning Council’s Northside Economic Development Coalition on October 14, 2019, at which time Mr. Lynch showed a power point about Metro’s plans. However, as far as I know, no clear information was provided to the public that the Aberg “bus barn” was a real possibility until the WSJ carried an article about this on February 25, 2019, several months after Metro applied for, and received, a \$7 million Bus and Bus Facilities grant for purchase of the Aberg site from the US Transit Administration on or about November 8, 2019.

At no time has there been any opportunity for the public to do anything but ask a few questions about this Aberg relocation proposal. There has been zero opportunity for public engagement.

At the most recent meeting of our Sherman Neighborhood Association this past week on March 2, 2020, our alder, Syed Abbas, told us that the above-referenced federal grant “locks” the Aberg location and this cannot be changed.

If true, I submit to you that this has not been a good public process and needs to be reexamined.

Although it appears to be accurate that the federal grant is site-specific, it is hard to believe that the grant application could not be amended and resubmitted for an alternative location, for reconsideration by the US Transit Administration. These kinds of amendments are routine in the business world and it seems probable that the grant givers would be flexible if asked.

Incident on March 4th, 2020 on Aberg Avenue where Metro employee confiscated a sign on private property at Chet’s Car Care Center

You may be aware of an incident that took place last week, just slightly after 6 PM on Wednesday, March 4th, 2020, in which an employee of Madison Metro confiscated a protest sign on private property and placed it in his truck. The facts are as follows.

In the afternoon on Tuesday, March 3rd, a well known and longtime business owner on the Northside, Chet Hermansen, displayed a large sign on Aberg which expresses opposition to the Aberg bus barn proposal which Madison Metro has been pursuing. At this time the sign was displayed in an unused paved curb cut area on the south side of Aberg Avenue directly in front of the old Oscar Mayer facility; the curb cut led to a currently unused paved driveway into the OM property which for some time has been closed off by concrete barriers. A friend sent me a Facebook post of this sign which is the first attachment above.

Again in the afternoon on Wednesday, March 4th, Mr. Hermansen displayed the sign in this same location. I am reliably informed that at that time he was approached by a maintenance employee of the current owners of the Oscar Mayer property. This employee told Mr. Hermansen that he had to move the sign because the current owners of the OM property intended to remove the concrete barriers and reopen that access road.

Mr. Hermansen immediately complied with the request to move the sign, which was then moved directly across the street to his own property. This property is occupied by the longtime Northside business known as Chet’s Car Care on the north side of Aberg Avenue. I believe the sign was then displayed facing westbound traffic at or near some large rocks used as landscaping on the corner of Aberg and a side street where cars can obtain access to the Chet’s Car Care business premises. I’m not sure of the name of this side street.

Sometime a little after 6:00 PM on that same day, Wednesday, March 4th, a white truck appeared on Aberg Ave next to the sign. The truck had a logo identifying it as a vehicle from Madison Metro. Without going into the Chet's Car Care business office and informing anyone what he was doing, the driver of the truck got out, removed the sign from its place near the corner landscaping, and placed it in the back of his truck. At this time Eric Hermansen, who currently manages Chet's Car Care, came out and asked this guy what he was doing, since he was taking this sign from their private property. The guy, who identified himself as "Ryan," told Eric Hermansen that his boss had directed him to come out to this location and pick up the sign. At this time Ryan rolled up the window on his truck and made a phone call, as shown in the second photo attached above. A photo of the sign in the back of Ryan's Madison Metro truck is shown in the third photo attached above. After talking on the phone, Ryan got out of his truck, took the sign out of his truck, and Ryan and Eric carried the sign inside the building on the Chet's Car Care property. Ryan then left. The next morning, Eric H. placed the sign back out next to the same location on the street corner. At this time, Chet Hermansen received a phone call from a city zoning employee informing them that the sign had to be located 25 feet from the corner, which Chet's Car Care will do its best to comply with when an improved sign is again displayed in the near future.

Other photos of last week's incident are attached. (I apologize, some of the photos appear several times in these attachments.) All of these photos except for the first photo (the Facebook posting) were taken by Eric Hermansen on March 4th at the time of the incident.

It is deeply concerning that a city agency, Madison Metro, would deploy one of its employees to confiscate a sign from private property. The incident raises a number of questions, including but not limited to the following. How did Madison Metro know about this sign? Did Madison Metro receive a communication about the sign from the current owners of the Oscar Mayer property? If so, why? Does Madison Metro act as an agent for the current owners of the Oscar Mayer property? How is it within the scope of Madison Metro's business to try to control signage on Aberg Avenue? Does Madison Metro have the legal authority to remove a sign from private property, did they have such authority on this occasion? If not, did their removal of the sign constitute theft? If Madison Metro claims any legal authority to remove such a sign, did they have any responsibility as a city agency to provide notice and hearing, i.e. due process, to the landowner before removing the sign? Could it have been their intent to stifle public opposition to their pending proposal to purchase two warehouses near Aberg Avenue to relocate all their operations and current buses as well as the new BRT buses from their current East Washington Avenue facility? If so, did this violate the First Amendment rights of a Madison resident to express an opinion about an important matter of public concern?

Subsurface contamination under the Oscar Mayer property including the two Aberg Avenue warehouses proposed for the Metro relocation site

Surely you are aware of the extensive subsurface contamination under this entire area of town including these two warehouses as well as many surrounding acres. Employees of numerous businesses in this part of town have been known to experience toxic fumes on their business premises as well as unstoppable sinkholes in parking lots. I am not an expert on the causes or cure for these problems, but am reliably informed that according to the Wisconsin Department of Natural Resources (DNR), the contamination situation in the entire area is quite complex including closed remediation sites, closed remediation sites with continuing obligations, and open remediation sites. Obviously the extent and

complexity of this contamination is ultimately an issue affecting the legal obligations of any seller and any buyer of any part of this property. Quick resolution of these complexities appears unlikely.

I have been reliably informed that these two warehouses have known vapor infiltration of carcinogens (including trichloroethylene or TCE) and overlies a massive plume of toxic contamination. Apparently building 50 has not yet been tested for vapor infiltration, which needs to be completed in the environmental site assessment.

Northside friends have asked me: What about the health of Metro employees who might be located in this location? According to the Metro facility plan, the central reason for moving to a new facility is due to health and safety concerns for Metro employees. How does moving Metro workers into a facility with known gas vapor infiltration of toxic fumes create a safe work environment? How will Metro insure long term safety of its workers in a building that overlies a plume of known carcinogens?

I cannot answer these questions, Can you or your staff or the management at Metro answer them?

Questions about Fair Valuation of the two Aberg warehouses proposed for purchase by Metro for its "bus barn"

Various statements by Metro about its proposal to purchase the two Aberg warehouses have indicated an intention to offer somewhere between \$13 million and \$30 million for these warehouses.

It is common knowledge on the Northside that the price paid by the current owners of the Oscar Mayer site was not much more than one million dollars for the entire 45 buildable acres, of which the two warehouses comprise only approximately 15 acres.

Is it cost effective to consider purchasing 15 acres of property for \$13-30 million when the current owner paid a mere \$400,000 for that portion of the property on which the two warehouses are located? (15/45 acres:: \$400,000/\$1,200,000)

How do the unresolved issues involving subsurface contamination of these warehouses affect their proper valuation?

This past week I had a conversation about this and related matters with a Mr. Bill Wheeler in the Chicago office of the US Transit Administration which administers the \$7 million bus grant referred to above. He informed me that these federal grants do have requirements for purchased property valuation and appraisals to verify that the valuation of property purchased with grant funds has been fully and properly evaluated.

A FEW FACTORS FOR YOUR CONSIDERATION THAT MAY LEAD TO POSSIBLE RESOLUTIONS OF THE ABOVE-REFERENCED MATTERS

1. Congestion and aesthetic concerns

It is not too late for Metro to reconsider its prior decision to relocate to the Aberg Avenue site. One obvious alternative is the old Shopko location on Shopko Drive, right up the road from the Oscar Mayer property. This site also has subsurface contamination issues which would need exploration. The Hooper site has apparently not been considered at all despite its convenient location and existing buildings; now rumor has it that this property has recently been purchased and may no longer be available.

2. Absence of public engagement

It is not too late for the city and Metro to actually hear from and meaningfully address the concerns of residents and businesses whose economic interests and quality of life will be directly affected by any Metro relocation.

Has the city considered requesting a modification of its federal grant application that would permit grant funding at other possible locations? Surely these are technical matters that are susceptible to revision if Metro so requested from Mr. Wheeler in Chicago.

3. Confiscation of protest sign from private property

What happened on March 4, 2020 involving a Metro employee removing a protest sign from private property and placing it in his truck should not have happened. Fortunately the situation was somewhat mitigated by the employee's taking the sign out of his truck after talking on the phone to his boss. At a minimum an apology to Chet and Eric Hermansen should be considered. In addition, whatever bureaucratic miscommunication led to this situation needs to be thoroughly reviewed and staff need to be educated about what would and would not have been appropriate under these circumstances.

4. Subsurface contamination

These are complex issues which the city has to get right in terms of identifying and remediating any and all contamination issues that may exist for property considered for purchase. Any purchase contracting process needs to fully address these issues and their legal import in crafting any purchase contract.

5. Fair Valuation of any property purchase for Metro relocation

Why has there been no competitive bidding process followed in regard to this relocation process? Were no other property owners given a chance to have their premises considered for Metro's relocation? Seriously, how can it be appropriate to pay many millions of dollars to purchase a property with serious contamination issues for which the current owner paid a mere fraction of that amount?

Mayor Satya, in the past I have known you to be a fair-minded and pragmatic person. I ask you to take a second look at these issues in order to hopefully make appropriate corrections to the city's actions that would help resolve the above-mentioned issues while that remains possible. Creating unnecessary conflicts with neighborhood residents and businesses as the city is working on implementing a better bus system is not in anyone's best interests. Please ask your staff to reconsider on these points, and take a fresh look that will hopefully look at alternative sites for any possible Metro relocation. The Aberg site is not a good one for all the above stated reasons.

Thank you for your time and attention. If I can provide assistance as a resource in helping to resolve the above mentioned issues, please do not hesitate to ask. A response would be greatly appreciated.

Dolores A. Kester, Attorney Emeritus
Kester Law Offices
P.O. Box 14073
Madison, WI 53708
Tel. 608-770-7061
Email: kesterlaw2007@sbcglobal.net
S.B. #1004624
1818 Winchester Street
Madison, WI 53704
Email: dakester@sbcglobal.net

Veldran, Lisa

From: Beth <sluysb@aol.com>
Sent: Wednesday, March 04, 2020 11:01 PM
To: Kester, Dolores
Subject: look what Mr. Chet has out near his shop.....













**WARNING
DANGER**

WARNING: This equipment is designed for use by trained personnel only. Improper use may result in injury or death. Read the operator's manual carefully before using this equipment. The manufacturer is not responsible for any accidents or injuries resulting from the use of this equipment. For more information, contact your distributor or the manufacturer.

MUNICIPAL
62672
WISCONSIN

