

PORT & RESOURCE RECOVERY DEPARTMENT

Brown County

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DEAN R. HAEN

DIRECTOR

PROCEEDINGS OF THE BROWN COUNTY HARBOR COMMISSION

A meeting was held on **Monday, November 14th, 2016**
Port & Resource Recovery Department | 2561 S. Broadway, Green Bay, WI 54302

1) The meeting was officially called to order by President Tom Klimek at 10:33 am.

2) Roll Call:

Present: President Tom Klimek
Commissioner Tim Feldhausen
Commissioner Bernie Erickson
Commissioner Hank Wallace
Commissioner Mike Vizer

Excused: Vice President Bryan Hyska
Commissioner Peter Zaehringer

Unexcused: Commissioner Ron Antonneau
Commissioner Ngosong Fonkem

Also Present: Dean Haen, Brown County P&RR
Mark Walter, Brown County P&RR
Shelby Schraufnagel, Brown County P&RR
Troy Gawronski, Foth
Karl Mueller, GLC Minerals
Jim & Sylvia Graefe, Residents

3) Approval/Modification – Meeting Agenda – *Request for Approval*

A motion to approve the agenda was made by Tim Feldhausen and seconded by Hank Wallace. Unanimously approved.

4) Approval/Modification – Meeting Minutes of September 12th, 2016 – *Request for Approval*

A motion to approve the minutes of September 12th, 2016 was made by Bernie Erikson and seconded by Hank Wallace. Unanimously approved.

5) Announcements/Communication

No announcements and communications.

6) Fox River Environmental Clean-Up Project – *Public Comments/Update on Standing Item*

Georgia Pacific would like to use Bay Port as a depository for dredged material, sand.

Motion to suspend the rules was made by Bernie Erickson and seconded by Hank Wallace.

The Fox River Clean-Up Project representative, Troy Gawronski, stated that the project will be dredging and capping into 2018. The reason is because there is more PCB contamination than expected. November 14th is the last day of dredging for 2016. Capping will continue to take place over the next few weeks still.

Motion to return to regular session was made by Bernie Erickson and seconded by Tim Feldhausen.

Mr. Haen stated that Georgia-Pacific made it clear that the dredged material is coming from the Fox River Clean-Up Project.

7) Budget Adjustment – *Request for Approval*

Phase II of the Wisconsin Commercial Ports Initiative is funded by Wisconsin Coastal Management, Wisconsin Economic Development Corporation, Wisconsin DOT and CFIRE. All of the money has to pass through the Department because we are the grant administrator for the project. The money was not budgeted in time last year. This is recognizing that there is \$107,000 is coming through the Department. .

A motion to approve the Budget Adjustment was made by Mike Vizer and seconded by Tim Feldhausen. Approved Unanimously.

8) 5-Year Audit of 217 Agreement with U.S. Army Corps of Engineers – *Request for Approval*

Brown County and the U.S. Army Corps of Engineers approved an agreement for the Corps to use the Bay Port Dredged Material Facility for materials from the shipping channel dredging 15 years ago. Every five years an audit is performed as part of this agreement and the transactions to keep costs on track. Mr. Haen explained the audit to the commissioners. Upon approval by the Harbor Commission, the letter and audit reports will be sent to the U.S. Army Corps of Engineers for their approval.

A motion to approve the 5-Year Audit of 217 Agreement with U.S. Army Corps of Engineers was made by Hank Wallace and seconded by Mike Vizer. Unanimously approved.

9) Short-Term Lease Efforts for the Hurlbut Property– *Request for Approval*

Mr. Haen and Commissioner Erickson have made several attempts to get the city of Green Bay to come to terms on the city's use of the Port's property along Hurlbut Street. The Port is seeking some type of compensation (cash or in-kind) from the City. It was suggested that in exchange for signed the Renard Island easement the City could stay at this property for no cost until the end of next year. The attorney with the City is revising the easement agreement again after it was approved and ready to be signed last November.

Mr. Haen suggested the Harbor Commission think about options for the property once the end of the current agreement ends on February 7, 2017. Commissioner Erickson will contact the City for discussion.

A motion to hold the Short-Term Lease Efforts for the Hurlbut Property was made by Bernie Erickson and seconded by Tim Feldhausen. Unanimously approved.

10) Response to U.S. Army Corps of Engineers on Cat Island Project – *Request for Approval*

Mr. Haen suggested the Port send in the \$407,000 that the Corps says the County still owes as “payment in full, in protest” reserving the right to take the Corps to court. The Port has spent a lot of time and effort making the Renard Island causeway permanent as part of the turnover of the island from the Corps to the County. One option could be to refuse to take over Renard Island and leave the Corps with the maintenance costs. Another solution could be to get the Corps to recognize that they are holding \$407,000 of the Department’s money and use it as credit for the next project.

Mr. Haen stated that the DOT supports the Department in whatever decision is made. Commissioner Erickson’s concern is why is the State taking such a passive role; \$407,000 could be used for other projects. Commissioner Feldhausen’s concern with the state taking a more aggressive role is that when/if the \$407,000 is said to belong to the Department the State may say that is State money and should be used for x,y,z. The Corps will not see the State as being a part of the agreement.

Commissioner Feldhausen asked if Mr. Haen has any idea on how the Corps will react to this letter.

President Klimek suggested decreasing the required response time to 30 days from 60 days to keep this moving forward and to convey a sense of urgency.

The County has a new person in Corporation Counsel who Mr. Haen will call on for advice.

A motion to hold the Response to U.S. Army Corps of Engineers on Cat Island Project was made by Tim Feldhausen and seconded by Bernie Erickson. Unanimously approved.

11) Public Communication Plan – *Request for Approval*

The plan is similar to past years. A few differences include; 1.) attending and participating in the National Grain and Feed Summit in Chicago as an opportunity for the agriculture industry to learn that the Port is a nearby option; 2.) If U.S. Venture decides to ship petroleum products throughout the year, extensive public notifications will be released including press releases, social media, newsletters, website updates, contact guides and clubs. U.S. Venture will be expected to help with public notifications and releases.

Mr. Haen communicated to the other Terminal Operators that the Port may stay open all year. They would have the opportunity to continue shipments as well. Other Terminal Operators have indicated that they are not likely to use the Port all year if it was open. Coast Guard would be ready to break ice all year round and maintain the track.

3.) Adding signage to the City Deck and near the Neville Public Museum educating passersby on the Port. In 2017 the Public Communication will increase by \$5,000. Commissioner Vizer stated that with regards to signage, some of the Terminal Operators could use fresh signs.

A motion to approve the Public Communication Plan was made by Bernie Erickson and seconded by Hank Wallace. Unanimously approved.

12) 2017 Budget – Update

Department Budget was approved as presented by the Harbor Commission at County Board with addition of a change to salary with a 1% pay increase + \$400 per person, meant to offset the health insurance.

13) Comments on Wisconsin State Freight Plan – Update

Mr. Haen shared his comments on the first *Wisconsin State Freight Plan*. He serves on the advisory council with President Klimek. Mr. Haen's comments point out how the DOT has failed to discuss problems outside of their jurisdiction. Deficiencies in rail and marine transportation should be recognized and outside council should be taken. This is the first time the State has done a Freight Plan. At the end of the comment letter Mr. Haen added the Departments support for a Brown County southern bridge.

14) CFIRE Ports Development Initiative – Update

The second phase of the Ports Development Initiative has been completed. The report gets into marketing the Ports in general and has a focus on marine corridors as a way of moving material.

15) Director's Report – Update

Mr. Haen participated in Capital Day in Madison.

Cat Island is being used by the Federal Government for current dredging operations.

Fox River Dock Company is for sale. The Department has been asked to assign the dock wall lease.

16) Audit of Bills – Request for Approval

A motion to approve the Audit of Bills was made by Hank Wallace and seconded by Bernie Erickson. Unanimously approved.

17) Tonnage Report – Request for Approval

A motion to approve the Tonnage Report was made by Mike Vizer and seconded by Tim Feldhausen. Unanimously approved.

18) Such Other Matters as Authorized by Law

Commissioner Feldhausen thanked Mr. Haen for speaking about the Port to his club.

19) Adjourn

A motion to adjourn the Harbor Commission meeting at 11:42 am was made by Hank Wallace and seconded by Tim Feldhausen. Unanimously approved.

Tom Klimek, President
Harbor Commission

Dean R. Haen, Director
Port & Resource Recovery Department