

**PORT AND SOLID WASTE DEPARTMENT**



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INTERIM PORT AND SOLID WASTE DIRECTOR

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**PROCEEDINGS OF THE BROWN COUNTY HARBOR COMMISSION**

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A meeting was held on **Monday, February 13, 2012**  
at the Clarion Hotel, 200 Main St., Green Bay, WI

- 1) The meeting was officially called to order by President McKloskey at 11:32 am.
- 2) Roll Call:

Present: President Neil McKloskey  
Commissioner Ron Antonneau  
Commissioner Bill Martens  
Commissioner Hank Wallace  
Commissioner Bernie Erickson  
Commissioner Tom Klimek  
Commissioner Craig Dickman  
Commissioner John Hanitz

Also Present: Dean Haen, Brown County Port & Solid Waste  
Mark Walter, Brown County Port & Solid Waste

- 3) Approval/Modification – *Meeting Agenda*  
**A motion to approve the agenda was made by Ron Antonneau and seconded by Hank Wallace.** Unanimously approved.
- 4) Approval/Modification – January, 2012 Meeting Minutes  
**A motion to approve the January 9, 2012 meeting minutes was made by Ron Antonneau and seconded by John Hanitz.** Unanimously approved.
- 5) Port Annual Report– *Request for Approval*  
Highlights in the report include the results on tonnage, overview of the port side of Port & Solid Waste Department, Port Mission, and Port Vision which comes from the Strategic Plan. Other components from the Strategic Plan include areas on the environment and economics. Port accomplishments during 2011 included: advancement on the Cat Island Restoration Project; completion of an economic impact study; completion of a \$1.5 million Renard Island closure project; leased additional acreage at the Bylsby property; sought Wisconsin Department of Natural Resources’ approval for expansion of the Bay Port CDF; opening up of US Venture port terminal; and advancement of beneficial reuse of dredge material with emphasis on the US Highway 41 construction project. Harbor Commission directed staff to broadly disseminate the annual report to all stakeholders.

**A motion to approve and distribute the report was made by Ron Antonneau and seconded by Bill Martens.** Unanimously approved.

6) Western Lime Corporation Dockwall Lease Amendment – *Request for Approval*

Western Lime Corporation contacted staff and expressed concern that the existing 1993 dock wall lease did not include ownership reverting back to Western Lime Corporation. With past HAP grants, the County accessed grant funds, on behalf of the terminal operators in exchange, ownership was transferred to Brown County. Brown County then turned around and leased the property back to the owner for a 25 year period. The understanding was that after the 25 years, Brown County would revert the property back to the terminal operator for the cost of \$1.00.

Current staff has only been involved with the last several dock wall leases and this understanding has been reflected in the lease and quit claim deed terms. The original dock wall lease with Western Lime did not include these terms. The revised documents resolve this issue. The revised documents do not change in any way the substance of the agreement. It only clarifies return of the property to the original owner at the end of the lease. John Luetscher of the Corporation Council reviewed the current Amendment to Dock Wall Lease and found that the revised documents did not contain an accurate legal description. This has been amended and revised to reflect a more accurate legal description.

The reason these grants and agreements were set up this way is that at the time these agreements were established, HAP grants were only available to public ports or public entities. In Green Bay, only private operators existed. The private operators transferred ownership to the Brown County Port. Brown County was then eligible for the grants to improve these properties. Since that option, is no longer necessary, future ownership transfers and new revenues from the Port are less likely. In addition, existing revenue will eventually reduce as existing dock wall lease and agreement terms expire. For example the Western Lime Corporation lease upon expiration in 2019 will result in \$10,000-\$12,000 per year less revenue loss. Revenue replacement will need to be considered by staff and the Commission. One option is further development the Bylsby property and acquisition of other new property for lease. Another consideration for the Harbor Commission is changes to the harbor fee schedule. Current harbor fees have not been reconsidered since around the year 2004.

**A motion to approve the Lease Amendment was made by Hank Wallace and seconded by Ron Antonneau.** Unanimously approved.

7) Cell Tower Lease – *Update*

Neil McKloskey sent a letter on January 17, 2012 to John Luetscher on the Brown County Corporation Council regarding the collection action requested on the amount due from the City of Green Bay to Brown County. Staff indicated John Luetscher acknowledged and appreciated receipt of the letter and will be reaching out to the City of Green Bay on behalf of the Harbor Commission. Harbor Commission requested attendance by John Luetscher and County Executive Troy Streckenbach at the next committee meeting. The letter of

invitation would come from staff on behalf of the Harbor Commission. **A motion was made to approve this action by Ron Antonneau and seconded by Bill Martens.** Unanimously approved.

- 8) WDOT Harbor Assistance Program Statement of Intentions – Request For Approval  
An annual resolution and statement of intentions for all the potential harbor improvement projects that could be grant applications of the WDOT Harbor Assistance Program was submitted for review.

This list of potential project is the same as last year. The most likely project for submission is Noble Petro's desire to upgrade their East Side facility. Noble Petro's application this past December was unsuccessful so they may be reapplying for the February grant cycle. If unsuccessful again, they will reapply with the August grant. This planning document is required to be submitted to the WDOT in order for these projects to be considered for grant funding. Brown County does currently have ownership of the Noble Petro property as a result of a 2004 HAP grant with the previous owner U.S. Oil Company. This issue needs resolution for Noble Petro/Brown County in order to return ownership to them in exchange for a full lease payment up front or making some other agreeable arrangement. Possible reasons for being unsuccessful in obtaining the grant could be any number of reasons including competition, incomplete application, cost analysis, or return on investment for the state. **A motion was made to approve this document by Ron Antonneau and seconded by Craig Dickman.** Unanimously approved.

- 9) Bay Port Expansion – Update  
In January, Bay Port facility received approval for expansion from the Wisconsin DNR. Two dewatering cells will be added to land acquired from the City of Green Bay currently used as the west side composting facility. Existing capacity of the Bay Port facility will be increased from 2.5 to 7.4 million cubic yards which is almost tripling the current capacity. The project received no negative feedback or objections from the public or the WDNR. This expansion will also allow for a reduced tipping fee to the federal government under the 217 agreement. As far as timeframe goes, the City has until 2014 to build their new West Side compost facility on property Brown County transferred to the City formerly known as Cells 1 and 3 of Bay Port facility. Current cost estimates for this project are approximately \$1.6 million to expand Bay Port. Construction of expansion will occur after 2014 dependent upon successful identification of beneficial reuse opportunities and the Cat Island project. The success of this effort is based on six years worth of study and demonstration to the WDNR that dredge material can successfully be stacked higher and feasibility of operationally reaching the new grades necessary for the capacity expansion.

- 10) Cat Island Chain Restoration Project – Update  
Dean Haen, Troy Streckenbach, and Neil McKloskey met with USACE in Detroit on January 24, 2012 to discuss the option of moving forward on this project solely under direction of Brown County and only in collaboration with USACE as stated in the December 22, 2011 letter. Items discussed included funding, schedule, grant money, and specifics on Renard Island closure. Brown County agreed to send some requested correspondence to the USACE indicating that we have our financial capability to fulfill our cost share requirements.

If we partner with the USACE then Brown County is the local sponsor for the Green Bay harbor and is capable of executing agreements should we partner with the USACE.

Since the December 22, 2011 letter, USACE received another \$6 million in GLRI funds for a total of \$12 million in GLRI funding for this project. The meeting was positive and satisfactory overall. One new concern developed. The USACE needs 10% of the cost of the project up front in the form of cash. Prior to this meeting, Brown County understood from the Corps that the cash could be contributed in-kind in the form of providing stone for construction. This concern along with the USACE inability to answer the final closure of Renard Island need to be resolved before Brown County changes its position regarding the December 22, 2011 letter.

Since this meeting, the USACE and Brown County have been engaged trying to determine the best path moving forward in the best interest of the Green Bay Harbor. Staff understands from the USACE that additional federal funding will be proposed in the FY13 President's Budget. The USACE may very well have its full share of the project costs and Brown County needs to consider whether or not we are going consider returning significant federal funding for the project that could build the full project over a short period of time. Other communities such as Miami, FL and Cleveland, OH have rejected Federal assistance in other port projects in order to maintain local control of their environments and economics of their ports.

Choosing to pursue the project local will result in construction of phase I not the entire wave barrier, with Brown County generating tipping fees revenue form the USACE for using the West Island that would be used in 10-12 years to construct the center island - Phase 2.

Final Closure of Renard Island needed to be resolved and seems to be critical to Brown County's final decision regarding Cat Island. If the USACE can guarantee closure of Renard Island through GLRI funds or through their budget, Brown County would be willing to reconsider its current position regarding Cat Island. Otherwise, Brown County could build Phase 1 of the project and than advocate for Congressman Ribble and Senators Herb Kohl and Ron Johnson's assistance in redirecting some of the existing \$12M in GLRI dollars the USACE has toward Renard Island Closure. Renard Island closure is estimated at \$3-4 million. The state's deadline for closure of Renard Island is June 2013, after which the state could impose undesired legal action upon the Corps or Brown County.

Dean Haen plans on discussing with Sheri Walz and Ron Adams at WDOT the ability of the HAP grant to be acceptable as an eligible receipt from the USACE Brown County's \$2.7 million cash contribution.

In addition, the EPA is actively seeking progress on their \$1.5 million grant for the Cat Island project. This may result in Brown County constructing a portion of the wave barrier sooner than later. The grant deadline is December 31, 2012. In addition, if we partner with the USACE, they want to begin construction in August. In order to satisfy the EPA, this part of the project may be bid out in April and constructed by August. Effort is being made to revise our schedule to allow time for Brown County to decide whether to go the route of federal assistance or non-federal construction on the project.

- 11) Bay Port Dredge Material Management & Renard Island Closure Work - Update  
Renard Island Closure work as part of the \$2M GLRI grant is completed. At the last meeting the Port was moving material from Cell 8 at Bay Port to Renard Island and we believed the work would have been completed in December or early January. With the mild winter the work was not able to be completed until recently. The project was delayed because there were not enough cold days. We needed eight days of sub-25 degree weather in order to finish this work beginning on January 1, 2012 but did not receive enough of those days in that temperature range.

The next phase of the closure work will involve placement of the engineered soil cap on the island whenever the money become available.

- 12) 1445 Bylsby – Update  
Staff has been working on developing this property since the 2007 acquisition. Recently, the Wisconsin DNR determined that this property is an artificial wetland and thus does not need a wetland filling permit. The \$500.00 application fee has been refunded to Brown County. Last fall the USACE determined the property was outside its jurisdiction. These two decisions have now cleared the path for improving the old tank spill containment areas which are eight acres for development by Brown County. Brown County will be working on an erosion control plan for this property and submitting it to the city of Green Bay. Eventually, the area will be improved over the next several years using clean fill in hopes of using the property as a port-related facility expansion.
- 13) Director’s Report  
A new Harbor Commissioner will be in place next month – Greg Flisram, to be appointed by the County Board this coming week. He is the City of Green Bay Economic Development Director.
- 14) Audit of Bills – Request for Approval  
**A motion was made to approve to pay bills by Bernie Erickson and seconded by Neil McKloskey.** Unanimously approved.
- 15) Other Such Matters as Authorized by Law  
None at this time.
- 16) Adjourn  
**A motion was made to adjourn meeting by Bernie Erickson and seconded by Hank Wallace.** Unanimously approved. Meeting adjourned at 12:45 pm.

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Neil McKloskey, President  
Harbor Commission

Dean Haen, Interim Director  
Port & Solid Waste Department