

PORT & RESOURCE RECOVERY DEPARTMENT



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DEAN R. HAEN
DIRECTOR

REVISED MINUTES OF THE BROWN COUNTY HARBOR COMMISSION

A meeting was held on **Monday, June 19th, 2023**
at the Port Offices, 2561 S Broadway, Green Bay, WI 54304

1) Call to Order:

The meeting was officially called to order by President Tom Klimek at 10:01 am with a quorum.

2) Roll Call:

Present: President Tom Klimek
Vice President Bryan Hyska
Commissioner Ron Antonneau
Commissioner Wes Kornowske
Commissioner Pete Diemer
Commissioner Tim Feldhausen
Commissioner Hank Wallace

Excused: Commissioner Barb LaMue

Not Excused: Commissioner Mike Vizer

Also Present: Dean Haen, Brown County P&RR
Mark Walter, Brown County P&RR
Katie Platten, Brown County P&RR
Holly Bellmund, GLC Minerals

3) Approval/Modification – Meeting Agenda

A motion to approve the revised agenda was made by Tim Feldhausen and seconded by Bryan Hyska Unanimously approved.

4) Approval/Modification – Minutes of March 13th, 2023 Meeting

A motion to approve the minutes of the March 13th meeting was made by Hank Wallace and seconded by Tim Feldhausen. Unanimously approved.

5) Announcements/Communications

Director Dean Haen discussed that Tom Klimek, Pete Diemer, and Tim Feldhausen agreed to additional three-year terms on the Harbor Commission. This re-appointment will be confirmed by the Brown County Board in an upcoming meeting.

Tom Klimek brought to the attention of the Commission that a summary created by the Brown County Risk Management Office and Mr. Haen was provided for Agenda Items six and seven, as requested by Mr. Klimek earlier in the week. There was a discussion about modifications needed, a pending resolution for the documents, and the City of Green Bay variance process before acting on Agenda Items six and seven. It was Mr. Haen's recommendation that the documents be received and placed on file until the next meeting of the Harbor Commission, when all modifications are complete, a resolution provided, and variances are received, before approval is sought again. The Commission agreed by consensus that items would be discussed in detail with the action of receiving and placing them on file in preparation for approval at the next Harbor Commission meeting.

6) Wisconsin Public Service Real Estate Agreements

a. WPS Real Estate Property Agreement

As permitting, design and engineering of the Port Development site was happening, a small sliver of land and water was identified as an issue resulting from improving the County property and creating a pond on the WPS property. The solution is to purchase 0.9 acres of land from Wisconsin Public Service for \$22,000 to even out the shoreline.

b. Amended and Reinstated Ingress/Egress Access Easement

The previous access easement made with Wisconsin Public Service has changed due to gating issues and the railroad track crossing challenge. Access to County property across Wisconsin Public Service's property is allowed until a Brown County road is finished, which will then result in the termination of the access easement. There was a brief discussion clarifying that the access easement does not need reinstatement, but just amending.

c. Amended and Reinstated Future Rail Easement

Initial railroad plans drawn up by the Department and County Planning Department were determined by VIA Rail (subcontractor of GEI Engineering) to show rail track curves that were too tight, resulting in the need to amend where Wisconsin Public Service will allow rail. In addition, a second railroad track plan was included in the Amended and Reinstated Future Rail Easement allowing the County and its future

users to pick one rail option or the other. Changes will be made based on the needs of the customer who will be occupying the site.

Mr. Klimek asked if preliminary plans or designs were provided by VIA Rail, to which Mr. Haen responded that design was 30% complete.

d. Rail Ingress/Egress Access Easement

VIA Rail (subcontractor of GEI Consultants) recognized that the rail was not connected to CN. An additional Rail Easement with Wisconsin Public Service is required to connect Brown County property to CN through Wisconsin Public Service's property.

A motion to suspend the rules was made by Hank Wallace and seconded by Bryan Hyska. Unanimously approved.

Holly Bellmund confirmed that GLC Minerals has been working closely with Dean Haen and Brown County's Corporation Counsel Mrs. Bellmund discussed the positive relationship with the City of Green Bay and expressed that she would have insisted on closing following approval to avoid the delays.

A motion to return to regular session was made by Bryan Hyska and seconded by Hank Wallace. Unanimously approved.

A motion to receive and place on file was made by Tim Feldhausen and seconded by Hank Wallace. Unanimously approved.

7) LMES Properties IV, LLC (GLC Minerals) Real Estate Purchase Agreement and Easements

a. LMES Properties Real Estate Property Agreement

Mr. Haen spoke about the many changes that have occurred over the course of negotiating the property agreement between the Port Department and GLC Minerals. The property acreage changed due to the City of Green Bay variances for road width, the need for a curve in the entrance road due to existing infrastructure, the need to avoid crossing railroad switches limiting rail crossings to only one location, and GLC's lack of interest in owning the land west of the future ATC easement because of the PCBs in the old boat slip. Terms are at the same price when purchased from Wisconsin Public Service at \$90,000 per acre. In total, the parcel will be 7.38 acres reduced from the original 9.07 acres).

b. Ingress/Egress Access Easement

An easement for GLC Minerals for use of the future County constructed road on the Port Development Site to access their parcel was discussed.

A motion to suspend the rules was made by Tim Feldhausen and seconded by Bryan Hyska. Unanimously approved.

Ms. Bellmund detailed how GLC Minerals intends to have traffic load in and out through one GLC entrance and exit the County's access. She noted there has been positive discussion regarding access and intended use.

A discussion about the design of the road, responsibility for damages and maintenance, and concerns about traffic congestion occurred. Ms. Bellmund expressed that there is little to no concern on truck traffic, but more concern about rail traffic blocking the road.

c. Drainage Easement

A drainage easement is drafted to allow water to flow from GLC Minerals parcel onto the Port Development Site on its way to the river.

d. Temporary Construction Easement

The temporary construction easement was discussed. It is an easement for Brown County from GLC Minerals to use an existing road on GLC Minerals property to do construction on the County property south and east of the existing slip area.

There was a brief discussion about responsibility for maintenance of the shared easements.

A motion to return to regular session was made by Bryan Hyska and seconded by Tim Feldhausen. Unanimously approved.

A motion to receive and place on file was made by Bryan Hyska and seconded by Wes Kornowske. Unanimously approved.

8) GLC Minerals Surface Lease

A new surface lease is drafted between the County and GLC Minerals for the parcel of property that GLC Minerals currently leases from the County that was assumed by the County as part of the property purchase from Wisconsin Public Service. The surface lease is temporary, adjusted to reflect the lease parcel and the term is for one year and then continuing month to month at the same rental rate as the original lease. Due to the dockwall construction, GLC agreed to move and relocate stockpiles so as to not interfere in the dockwall construction. Pete Diemer questioned if input was received from any real estate or appraisal agents regarding the value of the land, to which Mr. Haen responded that the Port Department has several different surface leases and ways to determine market value.

A motion to receive and place on file was made by Wes Kornowske and seconded by Bryan Hyska. Unanimously approved.

9) U.S. Army Corps of Engineers' 217 Agreement Amendment for 2023-2028

The amendment to the 217 Agreement between the County and the U.S. Army Corps of Engineers was discussed. The Amendment sets tipping fees for 2023 to 2028 to deposit dredge materials placed into the Bay Port facility. Rates are adjusted every five years. Differences and challenges for this amendment included USACOE changing the authority over the Green Bay Harbor from Detroit District to Chicago District, and that Bay Port was not used in recent years for dredge material.

Mr. Antonneau asked what would happen if the Bay Port facility was to reach capacity, to which Mr. Haen responded that there would be substantial cost in locating a new facility within close proximity to the Fox River; however, the facility has a long capacity for the near future. In addition, the Corps and County continue to pursue beneficial reuse of dredged materials to ensure the facility never reaches capacity. Currently the struggle rests with EPA and DNR with regards to PCBs and beneficial reuse. A risk-adverse culture with the Department of Transportation also hinders beneficial reuse of materials in road and highway construction.

A motion to approve the U.S. Army Corps of Engineers' 217 Agreement Amendment for 2023-2028 was made by Tim Feldhausen and seconded by Ron Antonneau. Unanimously approved.

10) American Great Lakes Ports Association 2023 Federal Policy Agenda

Mr. Haen gave an overview of the American Great Lakes Ports Association (AGLPA) federal policies to the Commissioners, citing the importance of their support when discussing these policies with political leaders and grant associations. Mr. Antonneau asked if there was information regarding a project with Fincantieri Marine that Mr. Haen knew of, to which he responded he was not aware of it. There was a brief conversation regarding the Harbor Assistance Program which the State budget is proposing to increase their funding from \$14 million to \$20 million.

A motion to approve the American Great Lakes Ports Association 2023 Federal Policy Agenda was made by Wes Kornowske and seconded by Ron Antonneau. Unanimously approved.

11) 1st QTR Budget Status Report

The 1st Quarter Budget Status Report was presented to the Commissioners.

12) DNR Response to Port of Green Bay Comments on PCB Closure

The DNR was requested by the Port Department to contact the paper mills along the Fox River to restate previous interest in dredging areas around the Port Development Site. The response was that the PCBs under the cap in the slip and on the north side at the Port Development Site were the Port Department's responsibility.

13) Western Great Lakes Pilots

A discussion occurred on complications in the Great Lakes Pilot fee structures, daylight restrictions, railroad bridge clearance, and Leo Frigo Memorial Bridge clearance that continue to hinder ocean-going and passenger ships from contributing to port activity. Mr. Diemer asked if the railroad bridge could be removed, which Mr. Haen responded that the rail's owner WATCO is considering and open to pursuing rebuilding the bridge to swing upwards but cannot be removed. Mr. Klimek discussed the rail use by Proctor & Gamble, Green Bay Packaging, and NEW Plastics and previous attempts to update the bridge.

14) Director's Report

Mr. Haen discussed the economic impact study that will be out in Autumn 2023. Mr. Klimek asked for an update on Renard Island easement, to which Mr. Haen responded that conversation with Mayor Genrich has occurred but no action has been taken. Mr. Klimek suggested an effort to demand action on both Port Development Site and Renard Island variances and easements.

15) Tonnage Report

Both the March/April 2023 and May 2023 tonnage reports were presented and discussed. Tonnage is tracking upwards.

16) Such Other Matters as Authorized by Law

17) Adjourn

A motion to adjourn the Harbor Commission meeting at 11:34 am was made by Ron Antonneau and seconded by Hank Wallace. Unanimously approved.