

PORT & RESOURCE RECOVERY DEPARTMENT



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DEAN R. HAEN

DIRECTOR

PROCEEDINGS OF THE BROWN COUNTY HARBOR COMMISSION

A meeting was held on **Monday, March 20th, 2017**
Port & Resource Recovery Department | 2561 S. Broadway, Green Bay, WI 54302

1) The meeting was officially called to order by President Tom Klimek at 10:32 am.

2) Roll Call:

Present: President Tom Klimek
Vice President Bryan Hyska
Commissioner Tim Feldhausen
Commissioner Bernie Erickson
Commissioner Hank Wallace
Commissioner Ngosong Fonkem
Commissioner Peter Zaehringer
Commissioner Mike Vizer

Unexcused: Commissioner Ron Antonneau

Also Present: Dean Haen, Brown County P&RR
Mark Walter, Brown County P&RR
Shelby Schraufnagel, Brown County P&RR
Randy Siewert, RGL Holdings, Inc.
Troy Gawronski, Foth
Jim & Sylvia Graefe, Residents

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

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

4) Approval/Modification – Meeting Minutes of January 9th, 2017 – *Request for Approval*

A motion to approve the minutes of January 9th, 2017 as amended was made by Bryan Hyska and seconded by Mike Vizer. Unanimously approved.

5) Announcements/Communication

Mr. Haen noted that the Port Symposium will be held on Friday April 7th.

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

Mr. Haen had no update. Troy Gawronski, Foth, stated that dredging began March 20th.

7) Response from U.S. Army Corps of Engineers on Cat Island Project – *Request for Action*

The Department has offered three solutions to settle the discrepancy 1.) request that the Corps pay back the \$407,000 of in-kind services that has already been paid; 2.) deduct \$407,000 from the 10% cash over 30 years that the Department owes the Corps; 3.) ask the Corps to recognize that they are holding the Department's money and to use it as credit on a future project. These proposals were all rejected by the Corps. Dave Hemery, Corporation Counsel, responded to the Corps' letter from August. He stated that the Department would not accept ownership of the Renard Island causeway or would take legal action if the payment of \$407,000 was not recognized as future credit. The Corps responded that the Department already has ownership of the causeway and cashed the check.

Mr. Haen met with Lt. Colonel Segrue in Cleveland and discussed the matter. He also met with Congressman Gallagher, Senator Baldwin and Senator Johnson the previous week in Washington D.C. The legislators have been receptive. Baldwin has written a letter before and recently wrote another to the Corps asking them to come to some agreement with Brown County.

Mr. Haen suggested to not take legal action because of the legal costs that will be a direct cost to the County. The best and only remaining solution is a legislative solution.

Commissioner Fonkem suggested to write one more letter asking them to take a stance. Mr. Haen stated that Brown County would write a letter that the Commissioners agreed on.

Commissioner Hyska asked if the letter that was sent with the check included a statement saying that by cashing the check the understanding is that it is for future credit. Commissioner Feldhausen explained that it was included but in a way that was not legally binding.

Commissioner Erickson suggested that after Senator Baldwin's legislative attempts Brown County should cease action.

A motion to direct staff to have Senator Baldwin write a follow up letter or use any other legislative avenue that is appropriate was made by Bernie Erickson and seconded by Tim Feldhausen. Unanimously approved.

8) Renard Island Ownership Transfer – *Update*

Brown County has all of the ownership documents needed to take ownership of Renard Island. Discussions can begin on end us of Renard Island.

A motion to move forward with the ownership transfer of Renard Island was made by Bernie Erickson and seconded by Hank Wallace. Unanimously approved.

9) 2016 Port Annual Report – *Request for Approval*

The Annual Report serves multiple purposes. The report serves as the end of the year budget status report for the County Board. It is also used as a resource to internal and external stakeholders summarizing the activities of the department for new and existing Harbor

Commissioners, Terminal Operators and County Supervisors. The annual report compares how the Department is doing from one year to the next.

Mr. Haen then discussed the 2016 accomplishments, which include: developed a property acquisition strategy; researched Wisconsin manufacturers and determined potential import/export commodities from Northeast Wisconsin; and, coordinated with the Fox River PCB clean-up project. The goals that were deferred or incomplete in 2016 and in progress in 2017 include: researching the potential to barge containers to and from Cleveland's Northern European liner and Muskegon's proposed container service; marketing Bylsby property for port-related purposes; closing-out Cat Island restoration project; advancing Renard Island ownership transfer and end-use plans; pursuing beneficial reuse of Cat Island sand; pursuing beneficial reuse of Bay Port topsoil; and, conducting a new economic impact study for the Port of Green Bay.

Mr. Haen then explained the departmental goals for 2017 including: conduct a new economic impact study for the Port of Green Bay; research potential to barge containers to and from Cleveland's Northern European liner and Muskegon's proposed container service; closeout Cat Island restoration project; advance Renard Island ownership transfer and end-use plans; pursue beneficial reuse of Cat Island sand and Bay Port topsoil; work with RGL Holdings as an active terminal operator; and, lease or utilize 36 acres of Bay Port property.

President Klimek asked if there is an advisory committee formed to determine an end-use plan for Renard Island. Mr. Haen explained that no committee is formed yet. He suggests that the committee should be structured through the Department. There are no members decided for the committee yet.

Mr. Walter stated that there is a class at UW – Green Bay that has come up with ideas on what to do with Renard Island.

Commissioner Erickson suggested that the Department release a Request for Information (RFI). Developers from around the county will submit their ideas for what should be done with the Island. This is something that does not cost anything besides staff time writing up the specs.

A motion to put this on the agenda for the next meeting was made by Bernie Erickson and seconded by Hank Wallace. Unanimously approved.

A motion to approve the 2016 Port Annual Report was made by Bernie Erickson and seconded by Hank Wallace. Unanimously approved.

10) Budget Adjustment for Cost Estimate Funding for Port of Green Bay Landmark – Request for Approval

Harbor Fee money is a fee paid by terminal operators to the Department to use for improvements and activities for the collective good of all terminal operators. The Cat Island Chain Project was paid for using harbor fee money; the project came in significantly under budget. A few years ago Commissioner Vizer suggested that the harbor fee money be used to put a landmark in the bay of Green Bay to help identify the Port. A local artist came up with a design for the landmark and Jones Signs gave the terminal operators a rough estimate of what it would cost. The terminal operators requested to spend up to \$20,000 to figure out exactly what

the project would cost. Jones Signs is completing the cost estimate for under \$5,000. A budget adjustment is required to move \$5,000 from the harbor fee fund into an account so it can be used. Upon approval by the Harbor Commissioners and a completed cost estimate the next step is to meet with terminal operators, Harbor Commission and County Executive before it moves to the County Board.

Commissioner Erickson asked who came up with the \$300,000 estimate before. Mr. Haen explained that Jones Signs estimated it would cost \$275,000 - \$300,000. They have not been paid to this point and did not spend a great amount of time figuring out their first estimate. Commission Vizer stated that there was debate over the actual dimensions of the project as well. Commissioner Erickson asked if this is going out for bid. Mr. Haen stated that Jones Sign will be estimating the cost. If the project is approved by County Board a bid would be issued to manufacture and complete the project.

Commissioner Zaehring asked what is the purpose of the landmark. Mr. Haen explained that the landmark will welcome ships into the Port of Green Bay and wish them fair winds and following seas as they leave. The hope is that this becomes an iconic part of the Port of Green Bay and an iconic part of Green Bay. Commissioner Feldhausen included that in Massachusetts and Key West there are similar iconic landmarks that identify those ports in a major way. This could end up marking Green Bay as a port city.

Commissioner Hyska asked if the calculation process will exceed \$5,000. Mr. Haen stated that the Terminal Operators agreed to spend up to \$20,000, Jones Sign agreed to a cost of \$5,000. Commission Hyska then asked if Jones Signs knows that the project will go out on a full bid upon approval. Mr. Haen stated yes. It is also important to get a firm cost because there are grants and funders who may be able to help aid in the cost. These entities will need to know the exact cost in order for the project to be considered for grant money.

A motion to approve the budget adjustment was made Hank Wallace by and seconded by Tim Feldhausen. Approved unanimously with Commissioner Erickson abstaining from voting.

11) Bay Port Long-term Care and Closure Escrow Funds – *Update*

Since 1997 Bay Port has been operated by collecting tipping fee by U.S. Army Corps of Engineers and being issued letters of credit by Associated Bank, costing about \$6,000 each year. The Department now has the reserves available to move to an intermediary, U.S. Bank, to an escrow fund. This money cannot be accessed without the DNR's approval. This is a similar situation as the landfill.

Commissioner Erickson pointed out that there is an accounting error on the last page. Mr. Haen stated it would be looked into and fixed.

A motion to hold Bay Port long-term care and closure escrow fund to the next meeting to correct the accounting error was made by Bernie Erickson and seconded by Tim Feldhausen. Unanimously approved.

12) Bay Port Hurlbut Property – *Update*

There is no update to report. The City of Green Bay still has until the end of March to respond to Corporation Counsel Dave Hemery.

13) Director's Report – Update

The Green Bay Marathon is now considered an official marine event by the U.S. Coast Guard. The Marathon will no longer be required to provide Brown County a demurrage check. The U.S. Coast Guard will create a safety zone for the Main St. bridge during this event.

14) Audit of Bills – Request for Approval

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

15) Such Other Matters as Authorized by Law

No other matters.

16) Adjourn

A motion to adjourn the Harbor Commission meeting at 11:40 am was made by Mike Vizer and seconded by Bryan Hyska. Unanimously approved.

Tom Klimek, President
Harbor Commission

Dean R. Haen, Director
Port & Resource Recovery Department