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, January 12th, 2015**
Brown County Resource Recovery Facility, 2561 S Broadway, Green Bay, WI

1) The meeting was officially called to order by Commission Craig Dickman at 11:30 am.

2) Roll Call:

Present:	President Craig Dickman Vice-President Tom Klimek Commissioner Bernie Erickson Commissioner Bryan Hyska Commissioner Hank Wallace Commissioner John Hanitz Commissioner Mike Vizer Commissioner Tim Feldhausen
Also Present:	Dean Haen, Brown County P&RR Mark Walter, Brown County P&RR Steve Popp, E.H. Wolf Jeff Smudde, NEW Water
Not Excused:	Commissioner Ron Antonneau

3) Approval/Modification – *Meeting Agenda*

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

4) Approval/Modification – December 8, 2014 *Meeting Minutes*

A motion to modify Bernie Erickson to excused and approve the minutes of December 8, 2014 was made by Bryan Hyska and seconded by Tim Feldhausen. Unanimously approved.

5) Announcements/Communications

Commissioner Hanitz noted that he has a concern for the South Lighthouse foundation. Dean Haen recommended getting ahold of the Green Bay Dive Team. Commissioner Hanitz will look into this and come back with a status report.

Dean Haen mentioned that there have been some issues with postage where after the agenda packets have been delivered with additional postage due. This issue has been resolved. Brown County will reimburse anyone who has paid due postage.

6) Fox River Environmental Clean-Up Project

Dean Haen stated that at the meeting in November held at the Neville Public Museum for property owners along the Fox River, a map was handed out where the Clean-Up Project showed proposed caps that would be placed to cover up PCBs. In the beginning of January, the department received an updated map of additional new proposed caps added that are colored in light blue. Mr. Haen is concerned that this has changed shortly after meeting with the land owners. The new cap out in the bay is not a problem but some of the new caps in the Port will affect port facilities like US Venture (the former Noble Petro), Fox River Dock, Flint Hills and the use of Georgia-Pacific's East Mill on the East River turning basin. Mr. Haen recommends sending a copy of this new map to the property owner's mailing list to let them know new caps have been added and maybe respond to the Project in writing.

Commissioner Wallace questioned if these new caps were projected to go in or if they were already in. Mr. Haen explained that the way he understands it, the Clean-Up Project proposes a plan, then the WI DNR and EPA sets the plan. There still is time to talk to the property owners along the Fox River. No discussions had been held with any terminal operators beyond that meeting.

Commissioner Vizer explained that as a Port Terminal Operator (St. Marys Cement), he had been in contact with Clean-Up Project in December and informed them that his desire was to have no caps associated with his facility. At St Marys Cement, it was noted that their maps were wrong as far as location for a cap. The previous maps were showing a cap right next to St. Marys Cement dock when in fact it was further down river.

Commissioner Hanitz wanted to clarify that for CC12 on the map at the Green Bay Yacht Club, it shows the slip extending out into the river with the light blue (proposed cap) and then a blank space. He would like to know if the front end of that dock with the lighthouses is capped. Mr. Haen responded that according to the map there is no proposed cap in front of the two lighthouses.

Mr. Haen went on describing some of the new additional proposed caps (light blue on map); CA57 is in front of the Metro Boat Launch, CC12 is in front of US Venture's property (by the pipeline that was Noble Petro), CA93 is in front of Flint Hills Resources dock, CA85B is in front of Fox River Dock, CA90 is in front of US Ventures waterfront, SHC20 is in front of Georgia-Pacific's steal dockwall and CA42 is in front of a vacant slip.

Commissioner Hanitz questioned if US Venture had taken over the Noble Petro buildings on Quincy Street. Mr. Haen answered that they will if they have not already.

Commissioner Hyska wanted better understanding if the new proposed caps were already agreed to by the property owners since October. Mr. Haen explained that this map represents a

proposed plan from the Clean-Up Project to the DNR. The Clean-Up Project has to work with the property owner. The DNR may ask the property owner if they are supportive or not.

Commissioner Wallace stated that the department does not really know if landowners (including terminal operators) have had conversations with the Clean-Up Project. Mr. Haen confirmed that the department does not know and was suggesting sending this new map out to the landowners and be available to assist them. Commissioner Hyska suggested reaching out by phone to the property owners. Commissioners Vizer and Erickson agreed.

A motion to suspend the rules to hear from interested parties to speak on the Fox River Environmental Dredging Project was made by Hank Wallace and seconded by Bernie Erickson. Unanimously approved.

Jeff Smudde, NEW Water, 2231 N. Quincy Street Green Bay, WI 54302.
Mr. Smudde mentioned that he is the point of contact at NEW Water and has not been contacted by the Clean-up project since the meeting at the Neville Public Museum regarding any new capping plans for their property including the boat launch at the Yacht Club or US Venture property. Commissioner Dickman had asked Mr. Smudde if he has a copy of the map or has seen a copy. Mr. Smudde responded that he has not and was handed a copy.

A motion was made to return to regular session by John Hanitz and seconded by Tom Klimek. Unanimously approved.

Commissioner Dickman concluded that just the nature of new information that came up this month shows the need to both stay on top of this effort and continue to have this a standing agenda item.

7) Port of Green Bay Communications Plan 2015 – Request for Approval

Dean Haen explained that the proposed Port of Green Bay Communications Plan for 2015 keeps the dollar amount the same at $35,000 splitting it up to the same areas as in the past ($20,000 in Public Relations and $15,000 in Communications). The 2014 plan included a video, which was worked on for six months but will not be completed until this year. Some 2015 advertising costs were prepaid in 2014 equaling the costs of the video.

Commissioner Feldhausen questioned if some of the video was completed. Mr. Haen replied that majority of the work was completed last year, including the script but the project was unable to complete the video footage that needed access to a ship. Staff wanted the video to give the perspective of being on a ship traveling into the port moving past land markers and businesses along the way. Coordinating the video filming crew with an incoming ship has been difficult. After the final footage the video will be complete. To get on a ship, one must get the operator/owner's permission which has been worked out with Great Lakes Fleet and Great Lakes Calcium.

This is the department's third three-year contract and part of the Port of Green Bay's Strategic Plan. Commissioner Vizer asked what the purpose and plan of the video is. Mr. Haen responded that the plan is to put the video on the Port of Green Bay website, use the video at any of the trade shows/marketing efforts or use little clips in different ads or press release applications. It is not intended to be used as a direct marketing effort to bring businesses in. A majority of the public cannot get a water side perspective and this would show the perspective of being on the vessel coming into port from the Bay. When coming in, one can see the islands like Long Tail, see the bridges and facilities all the while educating them with port information including the

economic impact, environmental benefits and the terminal operators all within approximately two minutes.

Commissioner Dickman mentioned that prior to a communication plan there was not a lot of awareness of what the Port does and anytime it would bubble up in the news, it was normally something negative associated with Renard Island or along those lines. The communication plan started putting out more information creating a greater positive impression in the marketplace for not only what the Port does but also the value of the Port is.

Commissioner Feldhausen agreed that advertisements in the Business News do generate a lot of attention, but questioned the feedback generated by the Green Bay Chamber Fact Book. Mr. Haen answered it is hard to measure a return on investment for advertising and he is not exactly sure what the Green Bay Chamber does with or how they use the Fact Book. The Fact Book includes several pages of port related information in exchange for the advertisement. Mr. Walter recommended that if he would like more detailed uses or more clarification on the return of advertisement, a representative from Leonard & Finco could come to a future Harbor Commission meeting to explain. Leonard & Finco does track demographics, hits on pages, returns on investment, etc.

Commissioner Hyska questioned if any discussion historically has taken place around the Port being involved in the Manufacturing Expo at the KI, Manufacturing Awards of Distinction Dinner, etc. on getting the visibility out to a B2B (Business to Business) community. Mr. Walter responded that the department has not. Commissioner Hyska recommended the department suggest this to Leonard & Finco. Mr. Haen responded that this is a draft and welcomes any suggestions.

A motion to submit additional suggestions to Leonard & Finco and approve the 2015 Port of Green Bay Communications Plan was made by Bryan Hyska and seconded by Mike Vizer. Unanimously approved.

8) Renard Island – *Update*

Mr. Haen gave an update on the federal work on the causeway that has been completed by the US Army Corps of Engineers (USACE). The causeway has been lowered and the gate re-installed. The Corps is now in the process of providing construction documentation reports to the Department for submittal to the state to complete the closure activities around Renard Island. The Highway Department has will be installing WDNR required features including fish cribs and a rock reef off Renard Island. McDonald Warehousing has agreed to provide the trees for the fish cribs. Michael Best & Friedrich LLP has prepared a legal opinion pertaining to the Lakebed Grant and Chapter 30 permit. Staff has not seen this legal opinion, but understands the opinion states the Chapter 30 is as permanent as the Lakebed Grant in terms of revocability and equal in permanency. Hopefully the USACE will accept this legal opinion. Mr. Haen had told the USACE that this was forthcoming and responded that acceptance would likely create precedence in the Corps. USACE commented that this would affect the USACE nationwide and although this is not necessarily a bad thing, it would have to go all the way up to Headquarters for approval.

Communications regarding securing a permanent easement have also taken place with the City of Green Bay. Several versions of easement language have been exchanged. The City is still trying to secure control of the island uses through approvals and revocability. These are not acceptable conditions to the Corps. Staff suggested better defining what acceptable uses are for the island. There has been no response from City at this time.

Commissioner Dickman added that when Mr. Haen and Mayor Jim Schmitt (City of Green Bay) met, language was verbally agreed upon that said the use of the island would be for recreational use consistent with Bay Beach. The Department sent the City an updated easement with that language. The City sent back a revised easement language that includes Parks Director approval which essentially would give the City absolute control of what could be done otherwise the easement would be revoked. The County and Corps are certainly not in agreement with the language in the easement at this point.

Commissioner Hyska asked if there has been discussion around the length and how many years. Commissioner Dickman replied that this is perpetual and that is why the USACE is looking for an irrevocable easement. This is why the City having total control does not meet the language at this point. This continues to be an open item.

9) Review of Draft 2015 Port Strategic Plan - *Update*

Commissioner Klimek updated that he, Commissioner Wallace, and Commissioner Hyska comprised a committee to develop the strategic plan update with Mr. Haen and Mr. Walter's help. Roundtable discussions took place in September 2014 with the terminal operators which were very educational to the committee to help draft the Port Strategic Plan. Mr. Haen took the first step in drafting a plan based on the roundtable discussions, meetings, and other information to generate some proposed strategic themes, goals and objectives. Moving forward, Commissioner Hyska will look at the financial aspects of the plan including the values of the various leases. Commissioner Klimek would appreciate input after the Commissioners have reviewed the draft.

Mr. Haen commented that this plan included in the agenda packet is a draft; the watermark did not make it on the printed document. All of the notes taken at the roundtable discussions were included into the plan. Moving forward it would be appreciated if Commissioners review the draft plan looking at the mission, vision, initiatives, themes and the strategic plan committee will keep refining the plan.

Commissioner Dickman stated that any feedback that members of the Commission should have, should be provided to the Committee to continue to iterate.

Commission Hyska mentioned that he volunteered to undertake the financial piece of the plan. For the February meeting he anticipates bringing a future cash flow model to see what capital there would be to deploy but also more importantly trying to look at what the cash flow position looks like with some of the leases starting to fall off. Also the fee structure may need to be revisited through the financial analysis.

Commissioner Dickman appreciates the work of the committee. His thoughts on the move that the Commission is taking from project managers to business development for Renard and Cat Island is really a key shift to get out in the market and communicate more aggressively. As an Enterprise fund, the Commission really needs to think about the financial health and the ability to operate.

Commissioner Erickson mentioned that his eye caught Foreign Trade Zone in the plan. He suggests making a statement on the initiatives rather than continuing to sit back.

10) Director's Report – *Update*

Mr. Haen discussed a letter to the Western Pilots Association regarding the daylight restriction mentioned last month. An initial attempt was made by phone and messages were left to the president. The letter generated a strong response from the US Coast Guard including the Captain of the Port called as well as District 9 in Cleveland, OH. The gentlemen from Cleveland had responded that they are having a lot of problems from the Western Pilots and that they were unaware the Western Pilots were having this restriction on Green Bay and do not want to see it in place. Cleveland is going to try and mediate or direct the pilots to not treat Green Bay differently.

The second item discussed was the physical characteristics of the sand at Cat Island. Sand that went in Cat Island was very clean and looks like high quality white beach sand. It is not fracking quality but it is still high quality sand with construction properties. In the meantime, the Department was approached by Michels Construction with interest in purchasing sand. Beneficially reusing the sand requires an exemption of solid waste rules, a testing protocol and more. Mr. Haen reached out to the DNR and USACE to advance the opportunity. The opportunity must be balanced with the Cat Island Advisory Team's habitat goals. The Harbor Commission may need to develop a policy regarding this opportunity. Based on 2014 dredging, approximately 400,000 cy of sand was placed in the islands that were only designed to receive a total of 2.3M cy resulting in less than 20 years capacity. Mining the sand out of there might be a legitimate option.

Commissioner Hyska asked if the Corps needs to opine on allowing what the department pulls out by what they are putting in. Mr. Haen answered that it is their facility and the department will eventually be the owner. The strategy to interest the Corps would be creating additional capacity and leaving the area in a manageable state so they could come back and refill. This would be a betterment because there was talk that the dredged material would have to be moved around to keep it contained.

11) Audit of Bills – *Request for Approval*

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

12) Tonnage Report – *Request for Approval*

Overall the 2014 shipping season looks to close at 2.3M Metric tons, which is a 3% increase over last year. Staff will work on getting a press release out. Some highlights of the year include continuing the increase in limestone, petroleum coke is coming in at high levels, same amount of salt as last year, import and export petroleum products saw a 45% increase. The project cargo (boiler) that came into Georgia-Pacific was impressive however it will affect the tonnage for next year. The boiler is intended for Georgia-Pacific to not use as much coal.

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

13) Such Other Matters as Authorized by Law

No other matters as authorized by Law.

14) Adjourn

A motion to adjourn was made by Mike Vizer and seconded by Hank Wallace.

Unanimously approved. Meeting adjourned at 12:23 pm.

Craig Dickman, President
Harbor Commission

Dean R. Haen, Director
Port & Resource Recovery Department

Approved for Minutes