PORT & RESOURCE RECOVERY DEPARTMENT

Brown County

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DEAN R. HAEN
DIRECTOR

Request for Approval

PROCEEDINGS OF THE BROWN COUNTY HARBOR COMMISSION

A meeting was held on **Monday, October 12th, 2015**
Port & Resource Recovery Department 2561 S. Broadway, Green Bay, WI 54304

1) The meeting was officially called to order by Tom Klimek at 10:30 am.

2) Roll Call:

Present:	Vice President Tom Klimek Commissioner Bernie Erickson Commissioner Hank Wallace Commissioner Tim Feldhausen Commissioner Mike Vizer Commissioner Ron Antonneau
Excused:	President Craig Dickman Commissioner Bryan Hyska
Unexcused:	Commissioner John Hanitz
Also Present:	Dean Haen, Brown County P&RR Mark Walter, Brown County P&RR Shelby Schraufnagel, Brown County P&RR Tara Vauttoof, Foth I&E, LLC Bill Miston, WLUK-TV Tim Flanigan, WLUK-TV Courtney Ryan, WLUK-TV Ngosong Fonkem, Corneille Law Group Jim & Sylvia Graefe, Residents

3) Approval/Modification – *Meeting Agenda*

A motion to amend the agenda was made by Ron Antonneau and seconded by Mike Vizer. Unanimously approved.

4) Approval/Modification – *August 10th, 2015 Meeting Minutes*

A motion to approve the minutes of August 10th, 2015 was made by Ron Antonneau and seconded by Hank Wallace. Unanimously approved.

5) Announcements/Communication

There were no announcements or communications to be made.

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

Mr. Haen stated that the Fox River Environmental Clean-Up Project will finish the 2015 dredging season in November. From the Port's perspective, the project is on target for where they planned to dredge and cap for this year. Dredging is occurring above Mason Street and capping is occurring between Highway 172 and Georgia Pacific.

Commissioner Erickson asked how many years are left in the project. Mr. Haen stated that they have 1 year of dredging and 2 years of capping. The project should be complete by 2017.

7) Renard Island Easement with McDonald's Lumber Company – *Request for Approval*

Brown County and McDonald Lumber Company have agreed to a permanent maintenance easement across McDonald's property. The permanent maintenance easement will satisfy the U.S. Army Corps of Engineers (Corps) requirement for ownership transfer. This easement has a 12 foot wide surface area. If McDonald should need the surface area they would be able to redirect us across their property. The easement will allow Brown County to get to Renard Island to do routine monitoring, grass cutting, etc. The Department should only need to use the easement a few times a year.

Mr. Vizer asked if the County is responsible for the maintenance of the easement. Mr. Haen confirmed that yes the County is responsible but for a few times of conducting routine monitoring, and other maintenance activities throughout the year there is no foreseeable cost to repair any damage. Easement road damage is only foreseeable should a catastrophic event occur to the island. Under this situation Brown County would need additional access approval from McDonalds for repair purposes

A motion to approve the Renard Island Easement with McDonald's Lumber Company was made by Bernie Erickson and seconded by Mike Vizer. Unanimously approved.

Mr. Haen recognized Supervisor Erickson's effort and dedication in securing the easement. Additionally, he would like to thank the McDonalds for their cooperation and community interest in helping the County with the easement. The causeway will be dedicated to a son that the McDonald family lost and a memorial marker will be placed on the causeway. Commissioner Erickson added that a formal dedication for the memorial should be set up.

8) Renard Island Easement with City of Green Bay – *Update*

Mr. Haen explained that because of the easement with McDonald there is no longer essential need for an easement with the city of Green Bay, but an additional easement from Green Bay to get to the existing gate avoids any cost incurred to place additional stone to reach the existing causeway. The City Council directed the city of Green Bay to do an easement with Brown County. Mr. Haen provided an example and an illustration of how an easement with McDonald and the city of Green Bay would work. The McDonald easement and the proposed city of Green

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Bay easement both will be effective in 2020 when the existing temporary easement with the city of Green Bay expires.

Staff from both the City and County are working on easement language. The Green Bay easement language should be the same as the McDonalds easement language.

9) Renard Island Lakebed Legislation – *Update*

Mr. Haen began by reminding the Commissioners that there were two conditions that needed to be met for the Corps to transfer ownership of Renard Island to Brown County. One was a permanent maintenance easement which is being fulfilled by the McDonald easement and potentially by the city of Green Bay as well. The second requirement was a legislative lakebed. The Department did get a Chapter 30 permit. The Corps did not value the Chapter 30 permit as much as a legislative lakebed grant. Senator Cowles drafted a Senate Bill that other area legislators have co-signed. The Bill will amend the original lakebed grant from 1977 and encompass the causeway. The lakebed legislation is a grant from the state for the use of that property. The Island is required by the lakebed grant to be used for public use and the amended lakebed grant will be for accessing the island. The public hearing will take place on October 13th. Mr. Haen will provide testimony including background, description of the Island and future plans for the island.

Commissioner Antonneau pointed out that not all legislators have signed. Commissioner Vizer asked if there was something the port operators could do to help this cause. Mr. Haen stated that if anyone wanted to email legislators and say that they support the Senate Bill that will help.

10) Bay Port Easement Request from WPS for City of Green Bay – *Update*

Mr. Haen explained that Wisconsin Public Service is requesting an easement to use Brown County's property to provide power supply on the County property that is currently leased at no cost to Green Bay and used as the City's west side compost facility. The City is interested in putting in an electric tub grinder. The cost for installation and removal will need to be the City's responsibility. Until 2017 the City has free use of this land. The Department at some point will use the area for Bay Port expansion after 2017. This is something that the Department will make clear to the City before they make any investments. If the Department does not need to expand the area for dredge material placement, it might consider continuing to reasonably lease the property to Green Bay on a year-to-year basis.

11) Great Lakes Pilotage Rate Proposal – *Update*

Mr. Haen explained that this is an issue that is being worked on by the American Great Lakes Ports (AGLPA) Association. Great Lakes pilots navigate the waters for foreign flag vessels at all times while in the Great Lakes. The pilots are regulated by the U.S. and Canadian Coast Guard who set their rates and fees through code of federal regulations. The U.S. Coast Guard is proposing a 58% increase in pilot fees. These are fees that are directly assessed to the ship and cargo and ultimately paid by the user. The Coast Guard is proposing that these pilots be fully staffed at the highest staffing levels that occur at the beginning and end of the shipping season when there are heavy ice conditions. The AGLPA is going to make a case in opposition to this increase through the public comment period. Mr. Haen suggests during heavy staffing months to bring back retired pilots or bring in contracted pilots to meet the staffing needs rather than having

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permanent staffed employees. The pilots are well compensated and the rule change will to increase their pay beyond $300,000 a year. Mr. Haen added that this is very unfair to the users of the Great Lakes. The Port of Green Bay is trying to expand international shipping as well as domestic shipping; this cost will be a further hindrance in expanding international shipping.

Commission Klimek asked what the timeline is for the Coast Guard's proposal and how quickly could it become effective. Mr. Haen explained that it has to be released, published, a notice and comment period and thereafter it is acted upon as a rule and adopted. Commissioner Feldhausen stated that the Coast Guard will be required to address any comments made.

12) 2016 Budget Update - Update

The budget has been approved by Administration and the Executive. Mr. Haen provided the Commissioners with an updated Statement of Funds completed by Administration. There were fund balance differences from what was provided by staff to the Harbor Commission in July. . The budget will go through PD&T on October 19th and County Board November 4th.

13) Directors Report – Update

Mr. Haen did not have any items to add under the Director's Report.

14) Tonnage report

A motion to approve the tonnage report for August and September was made by Mike Vizer and seconded by Tim Feldhausen. Unanimously approved.

15) Audit of Bills

A motion to approve the audit of bills was made by Bernie Erickson and seconded by Hank Wallace.

16) Such other matters as authorized by law

No other matters as authorized by law.

17) Adjourn

A motion to adjourn the Harbor Commission meeting at 11:15 am was made by Mike Vizer and seconded by Tim Feldhausen. Unanimously approved.

Craig Dickman, President
Harbor Commission

Dean R. Haen, Director
Port & Resource Recovery Department

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