PORT & RESOURCE RECOVERY DEPARTMENT

Brown County

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PROCEEDINGS OF THE BROWN COUNTY HARBOR COMMISSION

A meeting was held on **Monday, May 9th, 2016**
Jack Day Center 90 Bay Beach Road, Green Bay, WI 54302

1) The meeting was officially called to order by President Tom Klimek at 9:30 am.

2) Roll Call:

Present:	President Tom Klimek Vice President Bryan Hyska Commissioner Bernie Erickson Commissioner Hank Wallace Commissioner Tim Feldhausen Commissioner Mike Vizer Commissioner Peter Zaehringer Commissioner Ngosong Fonkem
Absent:	Commissioner Ron Antonneau
Also Present:	Dean Haen, Brown County P&RR Mark Walter, Brown County P&RR Shelby Schraufnagel, Brown County P&RR Bill Meindl, Green Bay Development News Mark Rahmlow, Fox Cities Chamber Camille Solberg, Representative of Senator Ron Johnson Tanner Mastaw, Representative of Congressman Reid Ribble

3) Approval/Modification – *Meeting Agenda*

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

4) Approval/Modification – February 15th, *2016 Meeting Minutes*

A motion to approve the minutes of February 15th, 2016 was made by Bernie Erickson and seconded by Bryan Hyska. Unanimously approved.

5) Announcements/Communication

Mr. Haen announced that Commissioner Erickson and Commissioner Hyska both have Harbor Commission appointments coming to term at the end of May. The County Executive will bring them forward for reappointment at the County Board meeting.

Mr. Haen announced that Peter Zaehringer has been appointed to the Harbor Commission. Commissioner Zaehringer introduced himself to the Commission. He has worked with Port Authorities in Ohio and has been working in economic development for over 20 years. He now works for the Greater Green Bay Chamber as the Vice President of Economic Development.

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

There were no updates.

7) Green Bay Cellcom Marathon Security Deposit for Demurrage Charges – *Request for Approval*

Mr. Haen explained that the Cellcom Marathon has requested voluntary bridge closures on May 22nd between 8:00 am and 12:30 pm. They have made a $7,500 deposit with the Department for demurrage charges. If a ship should arrive during the marathon, the ship's captain could choose to open the bridges, however, the $7,500 is there as an incentive for the ship to slow down or speed up to avoid disrupting the marathon. Staff will communicate to terminal operators about the Marathon and the availability of demurrage funds.

Commissioner Hyska asked if a ship has ever come in during the Cellcom Marathon. Mr. Haen explained that there has never been a disruption during the marathon.

A motion to approve the Cellcom Marathon Security Deposit for Demurrage Charges was made by Bernie Erickson and seconded by Bryan Hyska. Unanimously approved.

8) 2016 Federal Policy Positions – *Request for Approval*

Mr. Haen explained that a Federal Policy agenda was put together. A lot of the agenda items are from last year. The one item that has changed is the Harbor Maintenance Dredging policy position. The Department is requesting approval for advocating for these types of legislative changes.

A motion to approve the 2016 Federal Policy Position was made by Bryan Hyska and seconded by Peter Zaehringer. Unanimously approved.

9) Funding Great Lakes Pilots Litigation – *Request for Approval*

Mr. Haen informed the Commission that the U.S. Coast Guard held a public comment period in regards to the 58% increase in Great Lakes pilots' wages. He added that his opinion is the U. S. Coast Guard is staffing for the busiest time of the year. Mr. Haen's suggestion would be to have pilots on retainer during the early and late shipping season. After the public comment period ended, the U.S. Coast Guard decided to increase pilot wages by 58%. The Great Lakes partners of both U.S. and Canadian carriers, terminals and ports have come together and decided to sue the U.S. Coast Guard. AGLPA has requested that the Port of Green Bay provide $3,000 of the $150,000 needed to litigate the case.

Commissioner Wallace asked how the Canadian Provinces work into this situation. Mr Haen noted that the Coast Guard is using the Canadian pilots as justification for increasing U.S. pilots'

wages. The Canadian ports are not in favor of the U.S. Coast Guard increase, as they were not in favor of the previous Canadian pilot increase when that happened. Mr. Haen explained that this would not need a budget adjustment. This money would come out of Professional Services where there is about $25,000 for engineering consulting. At this time, there is no foreseeable need for the full $25,000 in engineering consulting.

Commissioner Wallace asked if this is a legal issue or a political issue. Mr. Haen confirmed that this is a legal issue. Congress gave the Coast Guard authority to regulate Great Lakes pilots.

Commissioner Hyska asked what the risk is to the Port of Green Bay if we do not participate. Mr. Haen explained that right now it is a limited risk. U.S. Venture is the only terminal that uses ocean going vessels. However, with the hope to continue to expand the port, this would be limiting future opportunities.

Commissioner Zaehringer asked which ports are participating. Mr. Haen explained that it is expected that all Great Lakes ports will be participating.

President Klimek asked what the ramifications are for the Port of Green Bay. Mr. Haen explained that he does not see it as the Port of Green Bay standing out. It is half of the industry sector that is taking this stance.

Commissioner Erickson explained that the Coast Guard should be adjusting their budgets proportionally. He added that $3,000 is very fair.

A motion to approve Funding Great Lakes Pilots Litigation was made by Bernie Erickson and seconded by Hank Wallace.

President Klimek asked if there is a time frame for the lawsuit to start. Mr. Haen explained that with or without Green Bay, the lawsuit is moving forward. The wait right now is on finding out what other ports will participate.

The motion was unanimously approved.

10) Corps Final Accounting for the Cat Island Project - *Update*

Mr. Haen stated that in January the Department became aware of a disagreement with the U.S. Army Corps of Engineers regarding work-in-kind activities at Cat Island. The Department paid more than $408,000 above the in-kind match requirement. In order to resolve this issue, Mr. Haen, Mark Walter, Commissioner Feldhausen and Commissioner Fonkem have come up with several options. The first strategy is to pursue WRDA Bill. The second option is to accept the findings and pay the $408,000. With that the WDOT has offered to pay 80% of the $408,000 and 20% would come from the Department. A third option would be to send a check for $1.3 million that the Department still owes and write payment in full, leaving out $408,000. The fourth option was to not pay anything.

Commission Fonkem explained that the group chose to pay the $1.3 million in good faith. Mr. Haen added that Corporation Counsel stated that there is a strong enough case in the Department's defense.

A motion to pay $1.3 million, which is what we believe we owe in the understanding of the partnership, retain the $408,000 in reserve as permitted by the WDOT was made by Ngosong Fonkem and seconded by Tim Feldhausen. The motion was unanimously approved.

11) Tallship Sponsorship – *Update*

Mr. Haen stated that it was in the interest of Commissioner Antonneau to set aside money to find a way to be involved in the Tallship Festival this August. The Department has been working with PMI to figure out what kind of role the Port of Green Bay can have. The Port of Green Bay will sponsor a ship for $2,500 in cash and $2,500 in-kind. The Port's role will be to make sure cleats and moorings are adequate and coordinate with the City of Green Bay to have cleats installed. Check water depth along the dockwall and compare to each vessels gross registered tonnage, and provide line handlers for the arrival and departure of the Tallships. Mr. Haen also added that he has been advocating to PMI to have the City fix the fenders that are missing and repair the dockwall.

Commissioner Erickson asked who the dockwall belongs to, if it is the City's wall or Leichts Park. Mr. Haen explained that part of it is Graymont and part of it is the City's. Commissioner Erickson suggested that a letter be written to the City of Green Bay Public Works Department urging the need to fix the dockwall. This letter should also go out to the 12 Alderman. Commissioner Feldhausen added that in the past there have been ship captains that have been nervous about even docking because of the condition of the dockwalls.

Commissioner Vizer asked if PMI should be the ones to urge this action to happen since it is their event. Mr. Haen added that the dockwalls are in terrible shape and that is a reflection of the Port of Green Bay who has no control over the maintenance of those dockwalls.

Mr. Walter suggested that the liability of ships being damaged by a faulty dockwall is something that should be brought to the attention of PMI and the City of Green Bay.

President Klimek added that the economic impact of this event for the area is around $3 - $4 million. Commissioner Feldhausen agreed that it would be a shame to lose this opportunity.

A motion to approve Tallship Sponsorship with a letter to PMI regarding condition of the fenders was made by Bernie Erickson and seconded by Mike Vizer. The motion was unanimously approved.

12) Marine Sanctuaries – Update

Mr. Haen explained that there has been public interest in protecting ship wrecks as Marine Sanctuaries. This would affect shipping. Utilities could not be laid, dredging could not take place, ships could not pass over, as well as limited plane flights over these areas. Mr. Haen has started working with the Wisconsin Commercial Ports Association on this and reaching out to the state. If the state sees the value in protecting these ship wrecks they should draw a line around what area needs to be protected. This should be done at a state level, not a national level to avoid even more unintended consequences.

Commissioner Vizer asked what groups would be advocating for the Marine Sanctuaries while the Port is advocating against it. Mr. Haen stated that there will be many environmental groups who will be for the idea initially.

Commissioner Erickson advised that the Charter Captains Association, Commercial Fishing companies and sport fishing is made aware of this proposal as this would seriously affect their companies and business.

President Klimek requested with the limited time remaining that this item be carried over to the next meeting. Commissioner Erickson added that having comments from Charter Captains Association and other groups would be good to have for the next meeting.

13) Property Acquisition Plan – *Update*

The property acquisition plan was held until the June meeting due to limited time.

14) Director's Report – *Update*

Mr. Haen summarized the Director's Report for the Commission. The Department is proposing Schenck do the 5-year audit of the 217 agreement that will review tipping fees to determine what the federal government and private users of that facility are charged.

In the packet there is also an annual report out on the performance of the 217 agreement.

Additionally, Mr. Walter went to a conference in April and included a summary.

The Department leased an additional acre of land to GLC Minerals.

15) Audit of Bills – *Request for Approval*

A motion to approve the audit of bills was made by Tim Feldhausen and seconded by Mike Vizer. Unanimously approved.

16) Tonnage Report – *Request for Approval*

A motion to hold the Tonnage Report until the next meeting was made by Bernie Erickson and seconded by Peter Zaehringer. Unanimously approved.

17) Such Other Matters as Authorized by Law

There are no other matters as authorized by law.

18) Adjourn

A motion to adjourn the Harbor Commission meeting at 10:35 am was made by Bernie Erickson and seconded by Tim Feldhausen. Unanimously approved.

Tom Klimek, President
Harbor Commission

Dean R. Haen, Director
Port & Resource Recovery Department