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 9th, 2017**
Port & Resource Recovery Department | 2561 S. Broadway, Green Bay, WI 54304

1) The meeting was officially called to order by President Tom Klimek at 10:31 am.

2) Roll Call:

Present:	President Tom Klimek Vice President Bryan Hyska Commissioner Tim Feldhausen Commissioner Bernie Erickson Commissioner Hank Wallace Commissioner Ngosong Fonkem
Excused:	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 Chad Doverspike, Brown County P&RR Al Leisgang, RGL Holdings, Inc. Randy Siewert, RGL Holdings, Inc. Troy Gawronski, Foth Jim & Sylvia Graefe, Residents Mark Hawkins, Hands On Deck, Inc. Holly Bellmund, GLC Minerals Karl Mueller, GLC Minerals

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

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

4) Approval/Modification – Meeting Minutes of November 14th, 2016 – *Request for Approval*

A motion to approve the minutes of November 14th, 2016 was made by Bernie Erickson and seconded by Hank Wallace. Unanimously approved.

5) Announcements/Communication

The Port will remain open until January 20th.

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

No update on the project.

7) WDOT Harbor Assistance Program Statement of Intentions – *Request for Approval*

Two projects were added to the Statement of Intentions since the Agenda packet was mailed and provided at the meeting. Additionally, the approved resolution by Corporation Counsel was provided at the meeting. GLC Minerals has additional interest in a conveyance system using the other property on Bylsby Ave by conveying material coming in by water to the site. The second addition is interest in connecting Prairie Avenue to Hurlbut Court; providing another way for people to get downtown, improve safety where Hurlbut Ave meets Bylsby Ave and also free up industrial property. All other Statement of Intentions were not new and included in 2016 submittal. Mr. Haen gave an overview of previous submittals.

Commissioner Hyska questioned the third SOI, Connect Prairie Ave to Hurlbut Ct. Relocate Bylsby Ave, under Brown County's contribution GLC Minerals is listed; this is a SOI for GLC Minerals, WE Energies and Fox River Terminals. GLC Minerals should not be the only one listed as contributor. Mr. Haen agreed to remove sole reference to GLC Minerals.

A motion to approve the WDOT Harbor Assistance Program Statement of Intentions as amended was made by Bernie Erickson and seconded by Tim Feldhausen. Approved Unanimously.

8) Assignment of Dock Wall Lease – *Request for Approval*

Fox River Dock Company and C. Reiss Coal Company have been recently acquired by KF Maritime, LLC. Fox River Dock Company will operate as Fox River Terminal Company. KF Maritime, LLC is the Kroh Company entity that will assume the Dock Wall Lease between Brown County and Fox River Dock Company. The dockwall lease will expire in 2021.

A spelling error was found on the first page; this change will be made.

A motion to approve the Assignment of Dock Wall Lease as amended was made by Tim Feldhausen and seconded by Bryan Hyska. Unanimously approved.

9) Response to U.S. Army Corps of Engineers on Cat Island Project – *Request for Approval*

Dave Hemery reviewed the response to U.S. Army Corps of Engineers (USACE) letter originally drafted by Kristen Hooker and agreed on the language and being the signator.

Mr. Haen suggested the Port send in the $407,000 that the Corps says the County still owes as "payment in full, in protest" reserving the right to take the Corps to court. The Port has spent a lot of time and effort making the Renard Island causeway permanent as part of the turnover of the

island from the Corps to the County. One option could be to refuse to take over Renard Island and leave the Corps with the maintenance costs. Another solution could be to get the Corps to recognize that they are holding $407,000 of the County's money and use it as credit towards the next project partnership agreement. Commissioner Fonkem will draft a sentence explaining that by depositing the check of $407,000 the Corps agrees to recognize it as credit for a future project. This sentence will be reviewed by Corporation Counsel and considered to be added to the letter. The letter and check will be sent to the Corps upon approval.

A motion to approve the Response to U.S. Army Corps of Engineers on Cat Island Project as amended was made by Bernie Erickson and seconded by Bryan Hyska. Unanimously approved.

10) Application for Bay Port Rehandling Facility – *Request for Approval*

The Fox River Clean-Up Project has 80,000 cy of sand to dispose of. This sand has been used beneficially in the Highway 41 project and at Georgia Pacific's landfill. With the completion of the Highway 41 project the Fox River Project is looking at several options for disposal of this sand. The sand is less than 1.0 ppm PCBs and is already dry; it could go straight to a storage cell at Bay Port avoiding the dewatering process and associated costs. (Note; actual PCB concentrations are less than 0.1 ppm PCB) The sand may be used on the surface of Renard Island to improve the surface for future use of the island. This option would likely include additional dredged material placed over the sand and be a modification to the DNR approved Renard Island Closure Plan. A third option is leasing land to the Project and building a DNR approved storage site until the sand has all been used at the Georgia Pacific landfill. Each option would result in a different tipping fee. Foth and staff are working on costing out these options.

Commissioner Hyska asked if there is a way during the process of figuring out fees to find out what this would to do the already approved budget. Mr. Haen stated that the 2017 budget does not include this project. The project would have a positive impact on the budget.

A motion to receive and place the Application for Bay Port Rehandling Facility on file was made by Bernie Erickson and seconded by Tim Feldhausen. Unanimously approved.

11) Current & Future Use of Bay Port Property – *Update*

The city of Green Bay uses Bay Port Hurlbut Property for their west side city compost location. The east end of the property is used as storage for jersey barriers, millings and top soil. The Department has approached the City letting them know that they may need to clear the area soon for a storage site for the Fox River Clean-up Project.

The Department acquired the Hurlbut Property 10 years ago and the purchase agreement gave the city of Green Bay free use of the land, as the City worked toward relocating the compost facility upon land acquired as part of the purchase agreement or other land. The Hurlbut property is critical to achieve the disposal capacity of the Bay Port Dredged Material Rehandling Facility by using the property to construct two dewatering cells. Because of beneficial reuse of dredged material at Renard Island and construction of the Cat Island Restoration Project the Department's need for use of the property has been deferred for three to five years. The free 10 years of use is coming to term in February. For the past 12-18 months Mr. Haen has been in contact with the city of Green Bay regarding this matter.

Corporation Counsel would like an additional three months to negotiate with the City. Options include vacating the property or leasing the property. The City has indicated no money to lease the land and has not invested the time necessary over the past 10 years to permit a new compost facility.

Since November, Commissioner Erickson has also spoken with staff at the city of Green Bay to come to an agreement. He offered the Mayor continued use of the location for one year if he signs the Renard Island easement. Any additional years would be negotiated. The easement has yet to be signed.

Commissioner Erickson has offered to reach out to Steve Grenier, city of Green Bay Public Works Director and meet with Mayor Jim Schmitt to negotiate an agreement.

The Commission will hold on any action until Corporation Counsel and Commissioner Erickson's efforts are complete. Mr. Haen requested that the Commissioners begin thinking about what actions they would like to take at the next Harbor Commission, should the City not respond to efforts to figure out an amenable solution.

12) Director's Report – *Update*

The Coast Guard has increased 2017 pilotage rates an additional 14% on top of the 24% increase in 2016.

Peter's Concrete is interested in buying less than two acres from the County on the other side of the Bay Port Rehandling Facility sedimentation pond, similar to the property sale to Northeast Asphalt. Mr. Haen suggested the Port maintain an easement across this property for sedimentation pond maintenance access

A few years ago Commissioner Vizer suggested that an artistic sculpture of some kind be placed on the east island of the Cat Island chain. Mr. Haen has been working with John Koester a local artist on a concept design. The concept design was then shared with Jones Sign. The concept is estimated at $300,000. Mr. Haen will present the idea to the Terminal Operators at the annual Harbor Fee meeting and determine if the terminal operators find value or interest in such an artistic sculpture or not. The terminal operators have say over use of the annually collected Harbor Fee funds.

13) Audit of Bills – *Request for Approval*

Commissioner Hyska asked about the bills presented to the Harbor Commission for approval as they are already paid by the time they see them. Mr. Haen explained that the approval process for any action is typically 60-90 days so it would affect the ability of the department to pay bills timely. The Commission does have the authority to review and comment on any bills if they have concerns.

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

14) Tonnage Report – *Request for Approval*

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

15) Such Other Matters as Authorized by Law

Commissioner Erickson asked if the west island on Cat Island could be incorporated as a boat launch area. Mr. Haen suggested that a better place might be at the end of Bay Shore where an old bar was located. There is already a parking lot and has part of a dockwall. Commissioner Erickson asked staff to look into both locations for a possible boat launch and report back in 90 days.

16) Adjourn

A motion to adjourn the Harbor Commission meeting at 11:55 am was made by Hank Wallace and seconded by Bryan Hyska. Unanimously approved.

Tom Klimek, President
Harbor Commission

Dean R. Haen, Director
Port & Resource Recovery Department