PORT & RESOURCE RECOVERY DEPARTMENT

2561 S. BROADWAY STREET
GREEN BAY, WI 54304

DEAN R. HAEN
DIRECTOR

PHONE (920) 492-4950 FAX (920) 492-4957

PROCEEDINGS OF THE BROWN COUNTY HARBOR COMMISSION

A meeting was held on **Monday, January 8th, 2018**
Port & Resource Recovery Department | 2561 S. Broadway, Green Bay, WI 54302

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

2) Roll Call:

Present:	President Tom Klimek Vice President Bryan Hyska Commissioner Hank Wallace Commissioner Bernie Erickson Commissioner Tim Feldhausen Commissioner Peter Zaehringer
Excused:	Commissioner Mike Vizer
Unexcused:	Commission Ron Antonneau Commissioner Ngosong Fonkem
Also Present:	Dean Haen, Brown County P&RR Mark Walter, Brown County P&RR Randy Siewert, RGL Holding Jim & Sylvia Graefe, Resident Chad Doverspike, Brown County P&RR

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 November 13th, 2017 – *Request for Approval*

A motion to approve the minutes of November 13th, 2017 was made by Bernie Erickson and seconded by Bryan Hyska. Unanimously approved.

5) Announcements/Communication

The Coast Guard is maintaining an ice track for vessels to come through the Port throughout January.

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

The Project is expected to begin again in April.

7) WisDOT Harbor Assistance Program Statement of Intention – *Request for Approval*

The annual County Board resolution and statements of intentions to the WisDOT, for projects that may be applied for through a Harbor Assistance Program Grant, are attached. Mr. Haen stated that he expects changes to the documents as Terminal Operators have until the end of the month to add or make changes. Submissions are due April 1. It is expected that C. Reiss Coal will submit a new Statement of Intention to fix their dockwall.

Commissioner Zaehringer asked if Foxconn is expected to submit any projects. Mr. Haen stated that is unsure. He also stated that Foxconn is an opportunity for Green Bay. The Port could be a port of entry or exit especially if container ships can start coming into the Port.

Mr. Haen reviewed previous years' submittals.

A motion to approve the WisDOT Harbor Assistance Program Statement of Intention was made by Bernie Erickson and seconded by Tim Feldhausen. Unanimously approved.

8) Public Communication Plan – *Request for Approval*

The Public Relations budget is $40,000 for 2018. $10,000 is put towards advertising; the remaining amount is spent through Leonard & Finco's efforts.

Mr. Haen stated that each year the Port pays the Green Bay Area Chamber of Commerce to be included in the Fact Book. He asked Commission Zaehringer what benefits are there to the Port to be included in the published book. Commissioner Zaehringer responded that in the past the book ended up on the shelf of City of De Pere and Green Bay offices. Currently there is a job opening for Economic Development Business Attraction and Investment Director who will help national and international outreach for opportunities in Green Bay. The Fact Book will be used to help this person promote potential business in Green Bay.

A motion to approve the Public Communication Plan was made by Bernie Erickson and seconded by Hank Wallace. Unanimously approved.

9) Great Lakes Pilots Lawsuit – *Update*

The Port has been contributing toward American Great Lakes Ports Association's lawsuit against the U.S. Coast Guard in regards to the 2016 increase in Great Lakes Pilots fees. Based on the 2016 lawsuit issues, there were successes and failures in the outcome of the lawsuit.

In regards to recruitment and retention of pilots it was challenged that rates needed to increase. The court stated that the U.S. Coast Guard acted rationally.

In regards to staffing during peak demands it was challenged that the U.S. Coast Guard continue to staff for peak demand year-round when they could be staffing more during peak and lay off on staff during the rest of the year. The court stated that the U.S. Coast Guard acted rationally.

Additionally, the U.S. Coast Guard increased the rate to match Canadian Pilots' plus 10% more. The court agreed that 10% upcharge was arbitrary and that the U.S. Coast Guard had no basis for the extra 10%.

Regarding vessel weighing factors, with regard to the 2016 rates, the U.S. Coast Guard did not weigh the vessels based on their size but instead as a flat rate. The rate should be based on the units the vessel is carrying. For small loads the pilot fee may be large enough that the cargo movement may not be feasible. The U.S. Coast Guard was knowingly underestimating the revenue that would be generated and the result was a higher pilotage fee. The court agreed.

The next argument was truing up mechanism. The U.S. Coast Guard sets rates and fees in a forecast mode. There is no truing up mechanism to determine if the set rate was too high or too low. The court did not agree and felt that the U.S. Coast Guard could not be challenged based on the Administrative Procedures act for something the agency had not done.

The 2017 rate that the U.S. Coast Guard announced includes some of the same issues.

Commissioner Feldhausen stated that these issues can be resolved legislatively by Congress as well. Mr. Haen stated that the Ports Association has attempted that route in the past and it was never heard. After efforts during the lawsuit it is more likely that Congress may be able to act.

10) Cruise Ships – *Update*

Two cruise ships will be coming to Green Bay in the summer. Next year five or six different vessels may come. Great Lakes Cruising Coalition would like Green Bay to join the group. The Port was asked to pay the dues of $3,500. Mr. Haen stated that the Port could participate as a Harbor Commission but would not take on the cost. The City of Green Bay and Visitor and Convention Bureau will benefit from the cruise ships and may be able to contribute for coalition membership.

Commission Wallace asked if it would be more cost effective for the City, Visitors and Convention Bureau or even the Port to communicate directly with the cruise lines to advocate for Green Bay as a destination. Mr. Haen stated that a representative would have to go to Europe or Miami when there are cruise ship conventions. He is unsure if the City or Visitors and Convention Bureau has the time or resources to do that.

11) Director's Report - *Update*

Great Lakes Pilots are concerned that ships are very close to hitting the I-43 Bridge. Mr. Haen reached out to the WisDOT about the concern. WisDOT acted immediately and reported that the bridge is where it should be, they recognized that water level markings need to be fixed and the lights under the bridge may be hanging too low. Water levels are high resulting in vessels coming close to the bridge height.

The economic impact study is expected to be complete in January.

The Brown County Planning Department is working with the City of Green Bay to identify and preserve oversize overweight corridors to get in and out of Green Bay.

Corporation Counsel is in the processing of reviewing the Bylsby lease with GLC Minerals.

The Property Acquisition Plan that the Port and Harbor Commissions put together identified the Pulliam Plant as the most ideal property to acquire. The Executive and Mr. Haen are making efforts to meet with WE Energies to set up a meeting regarding the property in February. WE Energies is working with a company called Forsite Development. Their expertise is in acquiring power plants and then repurposing them.

12) Acknowledgement of Bills – *Request for Approval*

A motion to approve Acknowledgement of Bills was made by Tim Feldhausen and seconded by Peter Zaehringer. Unanimously approved.

13) Tonnage Report – *Request for Approval*

A motion to approve Tonnage Report was made by Bernie Erickson and seconded by Hank Wallace. Unanimously approved.

14) Such Other Matters as Authorized by Law – *Update*

No other matters.

15) Adjourn

A motion to adjourn the Harbor Commission meeting at 11:42 am was made by Hank Wallace and seconded by Tim Feldhausen. Unanimously approved.

Tom Klimek, President
Harbor Commission

Dean R. Haen, Director
Port & Resource Recovery Department