PORT AND SOLID WASTE DEPARTMENT

Brown County

2561 SOUTH BROADWAY
GREEN BAY, WI 54304

CHARLES J. LARSCHEID
PORT AND SOLID WASTE DIRECTOR

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

Approved:
1.11.2010

PROCEEDINGS OF THE BROWN COUNTY HARBOR COMMISSION

A meeting was held on Monday, **DECEMBER 21, 2009**, 11:30am., at Holiday Inn – City Centre, Green Bay, WI. The meeting was officially called to order by President McKloskey at 11:30am.

1. Roll Call:

Present: President Neil McKloskey
Vice-President Tom Van Drasek
Commissioner Bill Martens (left at 12:50pm)
Commissioner John Gower (arrived at 11:40am)
Commissioner Craig Dickman (left at 12:52pm)
Commissioner John Hanitz
Commissioner Ron Antonneau (arrived at 11:24am)
Commissioner Hank Wallace

Excused: Commissioner Bernie Erickson

Also Present: Chuck Larscheid, Brown County Port & Solid Waste
Dean Haen, Brown County Port & Solid Waste
Tony Walter, Green Bay Press Gazette

2. Approval/Modification – Meeting Agenda
A motion to approve the agenda was made Craig Dickman and seconded by John Hanitz. Unanimously approved.

3. Approval/Modification – November 19, 2009 Meeting Minutes
A motion to approve the November 19, 2009 minutes was made by Ron Antonneau and seconded by Hank Wallace. Unanimously approved.

(2.) Approval/Modification – Meeting Agenda
A motion to modify the motion approving the agenda was made by Craig Dickman and seconded by Tom Van Drasek. Unanimously approved. Commissioner Martens requested Agenda Item #6 be discussed at the end of the agenda due to a conflict of interest.

4. Strategic Plan Subcommittee - *Update*
The Strategic Plan subcommittee of Dickman, Van Drasek, Wallace and Gower met to review the Strategic Plan. A few minor changes were made on the Mission Statement, Vision Statement, and Strategic Theme. The strategic theme was broken down into four categories: Open Markets, Sustainable Economics, Expand Markets & Revenues, and Autonomous & World Class Operations. Feedback was requested from the Commission and discussion ensued. One item to be discussed in the future is creating a separate and more recognizable identity for the Port of Green Bay. The next subcommittee meeting is scheduled for January 25, 2010 at the Port & Solid Waste offices.

5. Transfer of 217 Funds for past Port Expenditures – *Request for Approval*
As requested at last month's meeting, President McKloskey contacted County Executive Tom Hinz regarding the possibility of separating the Port Department from the Solid Waste Department. Executive Hinz indicated he was under the impression that once Finance had the money situation resolved, that would solve the separation issue. Executive Hinz offered to discuss this further with McKloskey, Larscheid and Haen. A subcommittee of McKloskey, Van Drasek and Antonneau was created to take a closer look at the financials from 2009 back through when the two departments merged.

A motion to refer the Transfer of 217 Funds for past Port Expenditures to the subcommittee of McKloskey, Van Drasek & Antonneau was made by Craig Dickman and seconded by Tom Van Drasek. Unanimously approved.
The subcommittee's findings, comments and recommendations will be brought back to the Harbor Commission. Once the issue is resolved on the transfer of 217 funds, the Commission will then discuss the possible separation of the departments. The Strategic Plan subcommittee will explore possible separation options in conjunction with reviewing the Strategic Plan. The subcommittee will focus on 3 considerations: 1) financial, 2) marketing value, and 3) operational and/or administrative future. It was also suggested that the authorities of the Harbor Commission be reviewed. *(Commissioner Antonneau will replace Commissioner Gower, who stepped down from the Strategic Plan subcommittee.)*

7. WDNR Ballast Water Permit – *Update*
The State of Wisconsin (WDNR) has released their ballast water permit. The U.S. Coast Guard (USCG) recently passed their ballast water regulations and it is currently out for public comment. Staff noted several differences between the two. The USCG is a national ballast water regulation which addresses all vessels (salties & lakers); whereas the WDNR permit is for the State of Wisconsin only and applies only to saltwater vessels. The permit issued by the WDNR is similar to the standards set by the International Maritime Organization (IMO). Staff felt this would be a good time to pursue "green" initiatives and referred to wording which the subcommittee included in the Strategic Plan. A brief discussion ensued on the Chicago Canal with the decision to take no action at this time.

8. U.S. Army Corps of Engineer's Renard Island Causeway Design 7 Cost Estimates
U.S. Army Corps of Engineers (USACE) design options for the causeway to Renard Island were reviewed. As requested the USACE provided options for a permanent and a temporary causeway for both the east and west sides of the Island. The options were reviewed and discussed by the Commission. Staff recommended meeting with the City of Green Bay to make them aware of the Commission's support of the lowest-cost operational structure. The USACE will pay only the minimal cost to access the Island and, therefore, anything above and beyond that will be the City's responsibility. The USACE timeframe is to build this year. Staff will report back in January with the City's response.

9. Director's Report
   - Fox River Clean-up
     Plaintiffs in the Fox River Clean-up have filed suit against other parties that possibly contributed to the Fox River Clean-up; however, Judge Griesbach dismissed the lawsuit out because 1) the plaintiffs were not entirely ignorant about the dangers of pcb's during the production period, 2) the plaintiffs did not attempt to identify any serious studies that would expose the dangers, and 3) the defendants had no reason to expect damages from handling the problems with pcb products. The court determined that end users should not have to bear the burden of unknown defects and the producers should be held liable. One-third of the pcbs discharged into the Fox River happened when the dangers were suspected and one-half of the pcbs were discharged into the river after a report was published indicating there may e some problems. WDNR figures indicate 98% of the pcb's discharged happened by the end of 1971. Although the initial lawsuit has been dismissed and absolves Brown County of any future litigation for the Fox River Clean-up, the plaintiffs could appeal. The federal and state governments are still holding discussions to get out of federal requirements of the cleanup. Brown County and the USACE were originally part of these discussions, however due to additional issues with dredging, talks have ceased. Brown County's expenses for legal services through September 2009 are $95,700, with approximately 80% of this reimbursed by our insurance carrier. Discussion on an offer of settlement was discussed and staff will consult with Brown County attorneys for their opinion.

   - Budget
     The Port & Solid Waste budget was approved by the County Board in November. The Board also passed a mandatory one week furlough for administrative employees. Specifics of how this affects the department were discussed; however staff had little more information to offer. McKloskey and Dickman offered to draft the letter outlining the Commissions' concerns on the furlough: 1) as an enterprise fund, Port & Solid Waste offices need to be open in order to collect revenue, 2) Port & Solid Waste personnel should not be exposed to the furlough nor the cost of living adjustment, 3) will not argue about losing our 2.5% on county services if first two requests are honored, and 4) part of the value of the enterprise fund is not having to operated the same as other County departments who operate on taxpayer money. (*No comments were given by Port staff on the Commissions' position.)*

10. Audit of Bills – *Request for Approval*
A motion to approve the bills was made by Bill Martens and seconded by John Gower. Unanimously approved.

11. Tonnage Report - *Update*
In May tonnage was down 65% but should be only down by 12% at year end which is indicative of the changing economic conditions. Port closure for the season is dependant on the ice conditions.

6. Navigational Dredging Concerns Related to Fox River Clean-up Project – *Update*
Staff has been working on resolving conflicts with the EPA and WDNR regarding dredging for 2010. The WDNR requested more samples be taken from the river and Georgia-Pacific agreed to pay for these. The samples were collected and showed 1 to 2 ppm. Based on the results, the USACE should be able to dredge in the East River turning basin and Georgia-Pacific turning basin in 2010 using an environmental clam shell. Concern was expressed about capping in the navigational channel and how it would affect those businesses and their ability to grown in the future. The EPA and WDNR indicated the Record of Decision would have to be opened and amending which is a huge undertaking. Leicht's, LaFarge, C. Reiss Coal, Construction Resource Management and Georgia-Pacific were contacted by email and with follow-up phone calls to discuss how important this is to them. Based on the responses received, the Port will not be pursuing this issue further on behalf of these terminal operators. A draft letter indicating such was given to the Commission for their review and approval. The draft letter was also sent to Brown County Corporation Counsel and County Executive Tom Hinz. The Commission agreed with staff's decision not to pursue this matter any further and approved the letter as written.

12. Such Other Matters as are Authorized by Law
No other matters were discussed.

13. Adjourn
A motion to adjourn was made by John Gower and seconded by Tom Van Drasek. Unanimously approved. Meeting adjourned at 12:58pm.

Neil McKloskey, President
Harbor Commission

Charles Larscheid, Director
Port & Solid Waste Department