

MAY 20, 2015 HARBOR COMMISSION MEETING

5:30 P.M. COUNCIL CHAMBERS, WASHBURN CITY HALL

Commission Members Present: President Carl Broberg, Martin Katzmarek, Brad Lemire, Mary Nowakowski, Jack Stewart and Don Swedberg.

Commission Member Absent: Stephen Schram.

Municipal Personnel Present: Scott Kluver, City Administrator/Clerk, Kay Bratley, Deputy Clerk/Treasurer, Michelle Shrider, Marina Manager, David Seigler, City Attorney, Gala Salmi, Public Works Director, and Mayor Scott A. Griffiths (arrived at 6:10 p.m.).

Other Individuals Present: Ken Aukerman and Terry Nelson, Foth Infrastructure & Environment, LLC.

Call to Order – President Carl Broberg called the meeting to order at 5:35 p.m.

Approval of Minutes of the April 15, 2015 Meeting – Nowakowski moved to approve the April 15, 2015 Meeting Minutes and Swedberg seconded. Motion carried 6-0.

Public Comment – Peter Bremner, 204 Pumphouse Road, a member of the Washburn Development Authority addressed the Harbor Commission concerning the coal dock as his property overlooks the coal dock. Mr. Bremner was confused about the short notice given to this issue giving the significant decisions that will be needed to be made; he argued that the Harbor Commission should not make a decision in just one meeting; further stated he supports Plan Commissioner Richard Avol's comments on this issue. Mr. Bremner further stated that compensation and the needs of the coal dock should be weighed in this decision. Mr. Bremner questioned whether citizens would be comfortable with the proposed contract and suggested the Harbor Commission estimate the financial value relating to the harmful effects of the operation and the loss of recreational access to the dock. John Baregi, 516 West Pine Street, a commissioner on the Plan Commission and a member of the Washburn Development Authority stated when he was on Harbor Commission, he felt the Harbor Commission was always, "giving the dock away" when there were requests to use it. He hoped the Harbor Commission would not make the same mistake. Mr. Baregi shared his concerns about the likely damage to roadways and suggested the Harbor Commission require Central Avenue to be repaired at the project completion. He raised his concerns with dust problems, hours of operation, winter parking for ice fisherman, the structural integrity of the dock, and to weigh the use of the dock with the inconvenience it will have on the residents.

Election of President and Vice President – Nowakowski made a motion to nominate Carl Broberg for President and Katzmarek seconded. Swedberg moved to close nominations and to cast a unanimous ballot for President and Lemire seconded. Motion carried 6-0. Nowakowski made a motion to nominate Martin Katzmarek for Vice President and Lemire seconded. Swedberg moved to close nominations and to cast a unanimous ballot for Vice President and Stewart seconded. Motion carried 6-0.

Treasurer's Report – Katzmarek moved to accept the Harbor Passbook and the Marina Operating Account and Nowakowski seconded. Motion carried 6-0.

1. **Payment of Invoices** – Nowakowski moved to accept Kropf invoice #41146 for \$11,487.50 and Lemire seconded. Motion carried 6-0. Swedberg moved to accept SmithGroup JJR invoice #108405 for \$2,645.00, invoice #108407 for \$1,312.50, invoice #108911 for \$5,290.00, and invoice #108902 for \$577.50 and Stewart seconded. Motion carried 6-0.

Slip Transfers – None.

Shrider asked to go onto agenda items J, K, and L next. Lemire made a motion to move up agenda items J, K, and L for immediate discussion and Swedberg seconded. Motion carried 6-0.

Discussion and Action on Coal Dock Lease Proposal, Foth Infrastructure & Environment, LLC – Petitioner – Ken Aukerman, Construction manager for Foth Infrastructure & Environment, LLC gave a presentation on the proposed activity. The Commission discussed the type of activity that will occur on the coal dock; amount of weight involved and structural integrity of the coal dock; discussion of potential hauling routes and impact on roadways; pedestrian safety; noise pollution and dust control; hours and dates of operation; spill prevention; general impact on city residents with Aukerman.

Closed Session For Discussing a Proposed Coal Dock Lease, Foth Infrastructure & Environment, LLC – Petitioner (May Require Going In and Out of Closed Session Multiple Times) – Stewart made a motion to go into closed session pursuant to Wisconsin State Statute 19.85(1) (e) for discussing strategy and negotiating points for a proposed lease of the Coal (Commercial Dock) and Lemire seconded. Motion carried 6-0 by roll call vote at 6:39 p.m. Swedberg made a motion to propose to Foth and NSP to rent the coal dock for \$1,500,000.00 for the entire term of lease as proposed; rental is contingent on Commission's choice of a structural engineer to certify the dock can bear the loads that are projected for this project at Foth's expense; Foth will provide the City with a cash deposit or irrevocable letter of credit sufficient to pay for reasonable estimate of repair costs to city streets which will be assessed before and after using PASER and video records; days and hours of operation will be Monday through Friday from 7 a.m. to 8 p.m. and Saturday from 8 a.m. to 6 p.m. and no work on Sundays; no work will occur on July 3-July 5, July 23-July 26, September 4-September 7 and October 2-October 4, in 2015; access to the coal dock for fireworks during Homecoming; public access to the coal dock during winter; dust control and air monitoring; pre- and post-lakebed survey done for removal of any material dropped on lakebed and other language changes and Nowakowski seconded. Motion carried 5-1 with Stewart resigning from the Commission and left the meeting.

Reconvene into Open Session to Take Action on Closed Session Items – Swedberg made a motion to reconvene into Open Session to Take Action on Closed Session Items at 7:52 p.m. and Lemire seconded. Motion carried 5-0. Seigler presented the Commission's proposal to Foth and NSP for review and to follow up with it at a future date.

Marina Manager's Report –

1. **April 2015 Financial Statements** – Shrider stated April appears to be on track and she will present April 2015 Financial and May 2015 Financial reports at next month's Harbor Commission meeting.
2. **Review of 2014 - 2015 Fiscal Year and Allocation of Profit Sharing** – Lemire asked how the calculation for the allocation of profit sharing is done and Shrider explained the process. Shrider stated the net operating income for year end March 31, 2015 was \$204,436.00; Marina Management retains \$95,783.45 and the Harbor Commission will receive \$108,652.05 around July after more of the outstanding receivables come in. Shrider stated she involves her staff with the allocation process and shares the marina portion with her staff.
3. **Travel Lift Well Area Update** – Shrider stated there are 4 culverts in the zone of the travelift well area that was repaired a couple of years ago and one of the culverts appear to be lifting up out of the concrete, has concrete chipping away and is no longer draining properly. Shrider stated she has discussed this with JJR and the concrete people. Shrider stated there is an issue with the fuel dock pad seam that goes down the middle and the whole length of the fuel dock; it appears the fuel dock pad is sinking and getting worse the further down the fuel dock you go, which is the same problem we had before the repair. Shrider stated the dock wheel at the end of the fuel dock which was tack-welded on broke off when a boat hit it and needs to be repaired. Kluver stated JJR has received the pictures taken with summary of problems and are looking into the situation.
4. **Condition of Pier 1** – Shrider stated it took a hit from the ice about ¾ of the way down the dock and jogged off to the right; there is no impact point and is not in jeopardy of breaking or failing. Shrider hopes the contractor for the boat ramp project can pull the dock back into place since they will have the proper equipment there for the boat ramp construction.
5. **Water Main Break** – Shrider stated the water main break could not have happened at a better/worse time as the weather was cold, raining and not a lot of boaters were around. Shrider was very grateful of the city public works director and crew for keeping her informed of the daily progress. Leino, city public works crew member told Shrider to let the contractor of the new restroom facility know that when a hole is dug in that area, the lake water will come in.

Discussion and Action on Boat Ramp Project Design Items, Update on Grant Funding – Kluver stated we have officially received the Boating Infrastructure grant and the only item left to make a decision on is the restroom facility design before JJR can release for bids. Kluver states JJR informed him Romtec has changed their figures on their bid. Kluver presented multiple restroom floor plan options from Huffcutt Concrete, Inc. which makes modular buildings. Discussion occurred. Kluver will contact JJR and ask for specifications on the following items: 1) Access to drain for winterizing; 2) Heating; 3) Maintenance free colored concrete floors and walls; 4) Type of stall dividers; and 5) Fixtures comparable to Romtec scope of supply, preferable stainless steel.

Discussion on Annual Boaters Picnic – Kluver stated the food has been ordered and will be delivered to the marina at 11:00 a.m. and encouraged members to volunteers their time to serve lunch on Saturday, May 30, 2015 and mingle with the boaters.

Adjournment – Swedberg moved and Lemire seconded motion to adjourn. Motion carried 5-0 at 8:45 p.m.

Respectfully Submitted,
Kay Bratley, Deputy Clerk/Treasurer