

JUNE 26, 2019 HARBOR COMMISSION MEETING

5:30 P.M. WASHBURN CITY HALL – 119 N WASHINGTON AVENUE

Commission Members Present: President Carl Broberg, John Baregi, Candace Kolenda, Nick Suminski, and Rodger Reiswig.

Municipal Personnel Present: Scott Kluver, City Administrator/Clerk, Kay Bratley, Deputy Clerk/Treasurer, Max Lindsey, City Attorney, and Michelle Shrider, Marina Manager.

Call to Order – President Carl Broberg called the meeting to order at 5:30 p.m.

Approval of Minutes of the May 15, 2019 Meeting – Kolenda moved to approve and place on file the May 15, 2019 Meeting Minutes and Baregi seconded. Motion carried 5-0.

Public Comment – None.

Treasurer's Report – Baregi made a motion to accept and place on file the Harbor Passbook and Marina Operating Account reports and Suminski seconded. Motion carried 5-0

1. **Payment of Invoices** – Reiswig moved to approve for payment Smithgroup invoice #138826 for \$1,526.00 and Baregi seconded. Motion carried 5-0. Kolenda moved to approve for payment Scandia Marine Products invoice #34750 for \$2,239.98 and Baregi seconded. Motion carried 5-0. Suminski moved to approve for payment Wisconsin Commercial Ports Association invoice #2019-Washburn for \$250.00 and Baregi seconded. Motion carried 5-0. Suminski moved to approve for payment C&W Trucking Co. of Bayfield, Inc. invoice #20069 for \$2,175.00 and Baregi seconded. Motion carried 5-0.

Slip Transfers –

1. **Slip #63 Brewer/Giddings and Nelson** - Baregi moved to approve transfer of Slip #63 on Pier 2 from Brewer to Giddings/Nelson and Reiswig seconded. Motion carried 5-0. Broberg confirmed the completion of slip #91 assignment transfer from Shonblom to Kurth.

Marina Manager's Report –

1. **May Financial Reports** – Shrider stated we are on budget and have a 25.22% budget surplus and are 35.44% ahead of this time last year; everything is on target at this time; the Ship Store was slow and believes it was due to the weather.
2. **Update on Various Reports** – Shrider stated a lot of the issues that came up this year is due to the high water level of the lake. Shrider stated she is working with Pearl Beach Construction and Bretting to come up with a plan to fix Pier 3 T-Head issue this fall after the boats have been removed; still attempting to find someone to fix the concrete issues, leaving messages but no call backs; the 30 mA electrical issues are getting fixed as they occur in boats; the water main break has been repaired and just waiting for blacktop/curbing to can be reinstalled; the lift station is getting pumped out by Birchstreet Excavating & Septic Service, Inc. every other Wednesday until the floats of the lift well can be replaced with commercial grade ones plus have the electrical sensor box moved outside of the lift well; the

electrical conduit couplers came apart at the transition ramp on Pier 1 from the high water level and are unable to get them back together, conferred with Meyers Electric and they gave a proposal of \$19,158.00 to correct the problem. Shrider stated she is waiting for additional details from Meyers Electric concerning this proposal. Kluver stated a notice of work to be done will need to go out to the public due to the dollar amount of the proposal; the 32 floats for replacement have arrived and has temp labor to do the job plus paint the building but funding for the wage is not in the operating budget and would like to make a proposal to the Harbor Commission to reimburse temp labor wage. Suminski moved to authorize up to \$2,000.00 for temp labor to replace the floats during the month of July and Baregi seconded. Motion carried 5-0; the fuel dock foam jacking was completed but it appeared that more material had disappeared under the fuel dock prior to the foam jacking.

Update on Coal Dock Rehabilitation Project – Kluver stated Michels Foundation had come back three or four times to fill in the sinking/settling issues along the new wall with gravel which now appears to have been solved, negotiations are occurring for the additional gravel used; Smithgroup will dive the entire dock to make sure all the issues below the water line have been addressed. Kluver stated he surveyed the new wall noting two very small holes by tie backs, two lift holes that need welding and one tie back hole in the old sheeting joint with the new sheeting that also needs to be welded. Kluver stated we have not signed off on the final payment because of the work that still needs to be completed; we have put in a request for the last draw from the grant; the ladder change order has not been done which will come out of the contingency fund, and we will handle the installation of the light at the end of the coal dock which will save some money.

Discussion and Action on Renewal of Dock Usage Agreements with Nelson Construction Co., and Pearl Beach Construction – Kluver stated both are similar documents with major changes in the fee structure to address material staying on the dock, equipment staying on the dock, and mooring on the dock. Broberg stated Nelson Construction Company may need more area and will discuss that with them. Kluver stated Pearl Beach Construction is also looking to have a larger area than what was depicted in his contract once he is fully operational. Broberg stated an addenda within the contract agreement can be modified to accommodate the change of size as needed if available. Kluver stated Pearl Beach Construction does not have a certificate of insurance for 3 million dollars, instead a 2 million dollar certificate of insurance with a 2 million dollar umbrella policy whereas Harbor Commission requires a 1 million dollar umbrella policy; they will comply if necessary. Suminski moved to approve Nelson Construction and Pearl Beach Construction contracts subject to having a 3 million dollar certificate of insurance with a 1 million dollar umbrella policy and Baregi seconded. Motion carried 5-0. Kluver stated the Army Corp is planning to be here next week on the other side of the coal dock; also need to make a recommendation to the Plan Commission on some language changes in the Marina district for good material stock piling so we don't unintentionally create a zoning issue on the dock.

Discussion and Action on Proposed Fishing/Conduct Rule on Coal Dock/Marina Area - Baregi made a motion to approve the proposed draft of the Fishing/Conduct Rule on Coal Dock/Marina Area and Kolenda seconded the motion. Suminski commented he has an issue with fishing from the boat launch in section I.2.b. of the proposed Fishing/Conduct Rule on the Coal Dock/Marina Area draft, specifically the little dock and asked if there are any ordinances that prohibit camping on the coal dock. Kluver stated he will have to look into the camping ordinance concerning camping in the marina/coal dock area however believes camping is only allowed in the city owned campgrounds and allowed on private property for a limited time. Lindsey stated he believes the proposed fishing/conduct rule on coal dock/marina area as drafted is enforceable and is compliant by state law, but would recommend talking to the local warden and the resource management warden to make sure the DNR would back it up with the amended boat launch change if a citation is issued; to adopt this rule as a city ordinance so citations can be given. Lindsey stated in regard to the commercial activity on the coal dock recommends to post signs to alert people that the areas used by commercial businesses are considered private property and no trespassing is allowed to prevent the potential for liability to the city. Kluver stated the Harbor

Commission will be responsible to have the signs put up. Broberg stated we had a motion and a second to approve the draft. Baregi amended the motion to remove “the boat launch” in I. Fishing Access, 2. Marina, b. upon the conditional approval of the DNR and to remove the term “lessee” and to substitute it with appropriate language and motion carried 5-0.

Establishment of Negotiating Committee for Marina Management Contract Renewal – Baregi made a motion to have the Harbor Commission president, the Mayor, the City Attorney, the City Administrator, Commission members Suminski and Reiswig on the Negotiating Committee and Reiswig seconded. Motion carried 5-0.

Closed Session – Review and Discussion of Current Marina Management Contract and Negotiating Points – Baregi made a motion to go into Closed Session pursuant to Wisconsin State Statute 19.85(1) (e) deliberating or negotiating the sale of public property, the investing of public funds, or conducting other specified public business for competitive reasons and Kolenda seconded. Motion carried 5-0. Roll call vote: Broberg – yes, Baregi – yes, Suminski – here, Kolenda – here, and Reiswig – here.

Adjourn – Reiswig moved and Baregi seconded motion to adjourn. Motion carried 4-0 at 7:07 p.m.

Respectfully Submitted,
Kay Bratley, Deputy Clerk/Treasurer