

# HARBOR COMMISSION MEETING MINUTES

March 22, 2012  
6:30 P.M.

## MEMBERS PRESENT

Jason Sladky  
Peter Allie  
Fred Radandt  
James Anderson  
Jim Ruffolo  
Jack Resch

## OTHERS PRESENT

Mike Huck, Harbor Master  
Sue Reilly  
Richard Larsen  
Mike Daley

### 1. Approval of the Minutes from August 30, 2011 Meeting

J. Ruffalo made a motion to approve the minutes from the October 13, 2012 meeting.  
P. Allie seconded. Motion carried unanimously, no further discussion.

### 2. Welcome and Introduction to Fred Radandt

M. Huck introduced Fred Radandt. He is a former member of the Cemetery Commission. Introductions were made. J. Ruffalo added that F. Radandt has been a resident all his life and has been a boater for many years at the marina.

M. Huck stated that we generally meet no less than twice a year. Sometimes we meet quarterly depending on the issues that are before us. Last year we worked with R. Larsen and J. Culley with regard to the transfer of the Marina lease.

### 3. Report and summary of almost completed HAP project at City Centre

M. Huck stated this is for the replacement of 900 linear feet of dock wall along the western north running river bank in front of the City Centre property. They also dredged down to 21 feet which is the depth established by the Army Corps of Engineers (ACE) for our channel. M. Huck stated there are 2-3 items that are a concern to the City. First, we are pursuing liquidated damages from the contractor for the timing of the completion of the project. They went considerably over time and we are seeking \$11,000 damages as per the contract. When they did the dredging work, quite a bit of the spoils were loaded across the breakwater and then transported across the grass of the dog run park area to the open area. We withheld a substantial amount of money from them because that was not what was specified in the contract. We talked with ACE representatives, the contractor, and their subcontractor and agreed on a plan for the restoration of that area. The restoration is scheduled to take place during the month of April. Considerable work already has been done. They blasted the sidewalk and the railing which are now relatively clear. There are still some track marks going from the sidewalk towards the disposal area of the CDF. It still has to be

graded, seeded, and mat put down so there is no erosion. M. Huck spoke with ACE regarding the restoration and he felt the contractor was making the appropriate effort and things were coming along.

M. Huck stated that abutting that project was an additional project also done by the same construction company for the removal of the railroad lift bridge across the Manitowoc River. The railroad was required to do this by the Coast Guard after they had abandoned those tracks. That bridge had a fixed span and then a lift section. The lift section is the only part that is officially part of the channel and is dredged to the official depth. The part underneath the fixed span is approximately 6 feet deep and full of pilings. The question is if the railroad should be required to dredge that and expand the project depth. After speaking with the ACE, they responded the dredging should be done. Whether it is done by the ACE or the railroad is the question. M. Huck stated there was a barge in there earlier this month (not sure who it was servicing) that bumped up against something solid down there. As part of the sea dredging project, we dredged down to 6 feet all the way across so we could get the barge in there to drill the anchors so that the sea wall installation would be structurally sound. Now Peter and tenants at the City Centre are drumming up some real interest in shipping business there. They have a need for deeper water all along that dock wall. P. Allie stated a pretty big barge came through lately and they were having all sorts of problems. If there was a boat that was going to knock over the cluster of pilings underneath it would have been this barge. Also, Mike Daley had a boat get stuck there last year. The ACE was there yesterday measuring. M. Huck stated the ACE will be here Monday with a multi-beam sonar vessel to get an ultrasound picture of the channel. P. Allie stated the ACE said they were hitting pockets out 30-70 feet of 6 foot depth. He thinks there are some boats at the Marina that would hit that being only 6' down. J. Ruffalo stated that is very disappointing because if you go back in our minutes, he brought that up 1-1/2 – 2 years ago before it came. At that time he said we should make certain that while that work is done, somebody should be watching it and overseeing it and that we verify and do not let them go until it is down below the 21 feet. He oversaw the project by his dock. They tried to do that by us but we stopped them. They also tried to tell us that some of the pilings were going under our steel finger pier going out for our travel. They also said they might damage the steel by pulling it out. J. Ruffalo made them take it out.

J. Ruffalo stated this group made a note of it to not let that happen. Also, this happened with the CDF and why wasn't somebody watching that. Isn't there someone from the City overseeing to see that they are driving with trucks instead of going around the CDF and coming in with their lift equipment? P. Allie interjected that the reason this happened is that Lunda Construction did not hire the right subcontractor. J. Ruffalo stated we should have stopped it before it was done. M. Huck said the people involved were the consultant in charge of design, a general contractor and project manager, himself from the City, and the ACE. We are at a position here. Nobody was happy with them. J. Ruffalo said then you pull the plug and stop them. M. Huck said that is not the case because what goes on out there has very little to do with the commercial access right here. J. Ruffalo asked who is paying

for it. M. Huck stated the City Centre and the State of Wisconsin. J. Ruffalo said that somebody should have been out there to stop it. The damage out there is not good and somebody's got to pay for it. M. Huck said they are paying for it. We have held back a substantial amount from the contract. But, in the interest of getting it done and completing the job, we made these compromises.

M. Huck stated the channel depth is a different story because the removal of the railroad bridge is not supervised by us as it is not part of our project. The construction company left the existing channel down to the depth. J. Ruffalo stated we are the City and we brought that up in this meeting to make certain that the whole thing is done—whatever that 30 feet is. It is and isn't the ACE's problem because it is not the federal channel. P. Allie said he looked at the maps and they reverted the federal channel and brought it back to where it should be. J. Ruffalo said there is a different venue that has responsibility from 30 feet off shore to the federal channel. P. Allie said it was weird because the ACE new about it because they had buoys out there for a week and then they took them away. M. Huck stated it was the Coast Guard that put the buoys out. The ACE does not know why that happened. They said they had some problem with it but the Coast Guard is aware of it and is concerned that it be done. We are still determining what has to be taken care of and where. The ACE is interested in establishing a bare channel there, which means that they are going to come around their curve and then dredge back into there. Once we have established what is there and they do that, then from the edge of that channel to the dock wall is the responsibility of others and would currently be the railroad. If the Allie's are ever able to acquire that land to make a unified parcel under the City Centre, that is a different story. At that point, we have a situation where we are talking about a capital project impacting commercial activity. Then we would go for more harbor grant assistance. J. Ruffalo said he is talking with the railroad now about the final piece that we have a letter of intent but we're not able to acquire until this stuff got out. Do you (P. Allie) want to piggyback on that? P. Allie said they would be willing to do that. J. Ruffalo asked P. Allie if he wanted him to bring it up to Alice that they have a buyer and P. Allie agreed. P. Allie stated they should be very careful and stay on the far east side when a boat goes through. M. Huck stated the ACE survey boat comes through on Monday. J. Ruffalo asked how he could get them to come up and survey what got removed by him. M. Huck said he will call them and let them know. P. Allie said he has a satellite picture of the river that he will send to J. Ruffalo. You can see everything that is in the river.

#### 4. **Update on TEA Grant**

M. Huck stated this is not really our purview but will impact the activity in the harbor. The State of Wisconsin is giving a transportation enhancement grant to build a railroad spur across the entrance to the peninsula and build it with a curve so they can jockey different cars around, stage cars, and load and offload there. So we will have a bonafied capacity for multi-modal shipping in and out. P. Allie stated Michaels and Broadwind came in they replaced stones and the plate seal. M. Huck said this has come to the point where it could be under construction this summer. Dave Less is working with them because it is more of a large scale planning. J. Ruffalo asked if

that is the same spur that goes out to the airport. P. Allie stated this comes off the mainline by Red Arrow and then curves up to where the old Mirro building at Wollmer and S 16th. It is about a five acre parcel. J. Ruffalo stated there is a spur that connects to the airport. P. Allie said it connects off of Custer. J. Ruffalo stated we shouldn't forget there are 60 acres out at the airport for economic development; and, as long as that spur can connect to you, we have airport business, your platform drop and the water. So we need to make certain that everybody is keeping that in mind.

5. **Discussion of Dredging proposed by St. Mary's Cement**

M. Huck stated St. Mary's Cement is going to be doing some private dredging of their facility to allow cement boats to get back there easier. They are going through the DNR permit process right now. We do not have a specific City dredging permit. We operate on a letter of intent and the DNR permit because we want to keep the City's strict liability/responsibility for the waterway at arms length. We want the ACE to do their job. It makes it a little slower at times; but, we always have the ability to pull a permit on our own and do dredging if we need to.

6. **Update on Meetings of River Corridor Group**

M. Huck stated that J. Ruffalo and he have been attending these meetings as private individuals who are interested in the river corridor. There is a group that is meeting and discussing the development of the river corridor area in accordance with the master plan developed for the City in the most recent comprehensive plan. This group has been talking about the river and its relationship to the City and how we can maximize that value. The River Alliance of Wisconsin (RAW) is an advisory organization formed to preserve and extract the value of the states borders. They contacted us to see if we wanted to meet and talk about it and to see if there is any sort of action planning that we could develop from it. We are meeting Friday morning.

7. **Notice of Wisconsin Commercial Ports Meeting August 16-17, 2012 at Madeline Island**

M. Huck stated this is a group of representatives of the commercial ports of the state who meet and talk about DNR regulations, other proposed legislations that may affect commercial shipping and planning to promote Great Lakes shipping by any means we can. They generally have the Sea Grant people come up and talk, as well as many industry and academic people. The main topic now is going to be the DNR Dallas Water Permit and its relation to the federal permit that the Coast Guard is propagating. As an association, we want to see first, national regulations that put everybody on a level playing field and second, be a consistent global regulation for overseas shipping.

8. **Update on Marina**

R. Larsen handed out a newsletter which serves as a roadmap to explain what he wants to do at the marina to make things better. Winter months have been productive for them. Outdoor storage is up about \$20,000 this year and the City gets \$8,000 of this. The service center revenues are up about \$50,000. Indoor storage is flat because they are full. We won't know dockage revenues until June. Right now we track who leaves and who is new. At this time, we are up 2 spots. A couple of people left due to fuel prices and age and condition of docks and facilities.

R. Larsen said he is working on bringing things back. He has to work with the City and money is an issue due to the budget. They are in the process of pressure washing the e-docks. One dock is done. He will hire a part time person to knock out the rest of the docks and get those pressure washed. The more he can do the better. The docks are over 20 years old and we want to preserve them as long as we can. It will have to be addressed in the future. Some maintenance has to be done at some of the docks. R. Larsen has been talking to K. Glaeser about welding of some docks. Fuel dock needs new sensors and overflow pipes. The upper deck has rotten parts. He is working with K. Glaeser that if he (KG) can get the wood, he (RL) would get one of his people to repair it. Also, we gave the Ship Store a facelift. We put in hardwood floors, are putting in all new fixtures, and painted it and cleaned it up. We are also wrapping up our service center remodel making it more customer/user friendly.

R. Larsen also stated that he is working with the YMCA to rejuvenate the sail program trying to get young kids and adults on the water inexpensively. He is also implementing a kayak rental program where he would buy the kayaks and people would rent them out and the YMCA would teach them. This is all money-making.

They are also advertising that the marina has jet ski ports at a cost of \$450 per slip.

R. Larsen said they are going to have some breakfasts, cocktail parties and cook outs to try to involve the community. On April 14, they are having an open house to show off updates and on June 9 (which is also National Marina Day), they will have their grand opening.

R. Larsen said rates are the same this year but he added another category. They always had a seasonal launch pass where you can launch your boat yourself. They also have a dry storage boat launch. For \$200 you can keep your boat and trailer (up to 22') down at the marina in the parking lot and launch your boat as you want. Taking it another step further, the marina staff will launch boats for them. It is less money than renting a slip.

J. Ruffalo stated he has heard numerous times from people who are at the marina who ask where to go to eat and are told McDonalds or Burger King. He thinks whoever gets these questions should have a little more training for on the radio, telephone, or person-to-person.

J. Resch stated the hatchery trout were let off by the tower at Anheuser Busch and they did not have one seagull there. They dumped them off at the marina and can't understand why he didn't drive around and unload them by the launch ramp. Seagulls had a feast.

9. **New Business**

J. Ruffalo introduced Mike Daley who is interested in being part of the Harbor Commission if there is an opening. M. Huck stated there is an opening and he would be happy to recommend his appointment.

M. Daley had some concerns he brought up. First, when they took the bridge out, there was a cement buckment on the Braun Building side. It sticks out and, for some reason, nobody wanted the liability for the cluster that is there. That piece is unprotected. Jim's boats hit it and our boats hit it. As you come around and have to make the turn, the embuckment is there and you have to straighten out and they can't see it. There are no lights, tires, etc. warning boats of this danger. Who does it belong to? M. Huck stated that is the concern of the railroad. M. Daley stated nobody wanted to take liability of the cluster that is unprotected. He received that information from Lunda. Lunda yanked out the cluster. M. Huck stated the Coast Guard can make them remove them over navigable water, the tracks on the peninsula and everything on the land. J. Ruffalo stated the federal government had to give the okay for abandonment. He will talk to Petri about it. That has to come out. M. Daley asked that, in the meantime, could they get a light out there or hang some buoys to let people know it is there. P. Allie stated boats get hung up on it all the time. J. Ruffalo stated we don't have authority but we should make a strong recommendation to the City or somebody that something be done. The liability could come back to the City and we would have to fight it out with the railroad. J. Sladky stated he would have it put on the Streets Committee meeting. M. Daley and J. Ruffalo stated that was good but we need to get it marked now. J. Ruffalo stated we should get a map and post to mariners. M. Huck stated the Coast Guard is aware of it. We are ready to put pressure on them. J. Ruffalo wanted to know if we could take the maps that we have and identify where those are and distribute them to all the operators on the water and at the marina. Now that we know it, we have an obligation to make certain tomorrow, everybody that has a business and is on the river is aware of it. P. Allie stated he was told by Lunda Construction that the contractor they used could not get the pilings out, so they just walked away from it. This is as dishonest as it comes.

M. Daley asked for permission to put a request in to the ACE for dredging. He said he has 12 feet of water and that is not enough. You need to be careful when you go down the center. P. Allie stated even in the center, if you look at the updated maps, it is bad. M. Daley stated he is writing to the ACE. There is no water left in this river. We dredged in 2005. J. Ruffalo wanted to know when they are going to try to find out why we keep getting filled in. M. Daley hoped that it would flow out after they took the bridge out. He was afraid that the bridge and what we put in would bring sludge into his dock. J. Ruffalo stated it all comes from the farms up river. That is the problem. We dredge and spend 10s of 1000s and silt comes back that same year. M. Daley asked if he could use J. Ruffalo's name. M. Huck asked that he forward a letter to the Harbor Commission. J. Ruffalo stated Petri will be in town April 6, so bring your papers.

M. Daley stated he is still working on getting the tree trimmed down. Eric from McMullen and Pitz was going to cut it down this winter but there wasn't enough ice. He also stated he only wants it trimmed as it is an old tree and it is holding part of the dock in.

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J. Sladky made a Motion to adjourn the meeting at 7:15 p.m. J. Anderson seconded the Motion.

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MIKE HUCK  
Harbor Master

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