

Agenda for Tuesday, March 04, 2003  
Klickitat County Port District  
1st Regular Monthly Meeting  
March 4, 2003 - 4:30 P.M. - PORT OFFICE

## AGENDA

PUBLIC COMMENT - Limited to 10 minutes total; (5 minutes per person)

## COUNSEL'S REPORT

Leasehold Tax Opinion

## ADMINISTRATIVE MATTERS

Consent Agenda:

February 18, 2003 Minutes

Vouchers

Financial Report - January

Adopt B.Pt. CC&Rs

- Resolution 5-2003 - Adopt Bingen Point Master Plan including the Landscape Plan & CC&Rs

## EXECUTIVE DIRECTOR'S REPORT

BINGEN POINT:

Bldg. 1D

Gorge Harbor Marina Project

DALLESPORT INDUSTRIAL PARK:

Innovative Weed Control

Reclamation Plan - RFQ

Rece Bly - Pre-threshold Consultation w/KC

## MISCELLANEOUS

MCEDD

Port Commission - Election

Committee Updates

PUBLIC COMMENT - Limited to 20 minutes total; (5 minutes per person)

ADJOURNMENT

<b>PORT OF KLUCKITAT BOARD OF COMMISSIONERS MEETING MINUTES March 4, 2003 REGULAR SESSION</b>		
<u>TOPIC</u>	DISCUSSION/ASSESSMENT/FINDINGS	ACTION/FOLLOW UP
<b><u>ATTENDANCE:</u></b>	<p><b>Commissioners/Staff Present:</b> Port Commissioners (PCs) Norm Deo, Rodger Ford, S. Wayne Vinyard, Port Counsel (Counsel) Teunis J. Wyers, Executive Director (Exec.D) Dianne Sherwood and Administrative Assistant (AA) Vickie Drew.</p> <p><b>PC/Staff Absent:</b></p> <p><b>Guests Present:</b> Dana Peck &amp; Tom Seifert (KC Resc. Dev.), Matt Riley (Riley Bros. Concrete) and Mike Smith (Dallesport).</p>	
<b><u>PUBLIC COMMENT</u></b>	<p>The public meeting was opened at 4:35. There was no public comment.</p>	
<b><u>Economic Development Department Update</u></b>	<p>Dana Peck discussed his Economic Development Department Update memo. He briefly discussed the information regarding the airport and the air shed issue. Larry Nicholas and the Public Works Dept. is drafting a Memorandum of Understanding (MOU) for the Dallesport Industrial Park (DIP) infrastructure project. That document (when completed and approved) will be used as a template for a Memorandum of Understanding between KC and the Port for the marketing effort. Tom Seifert reported that the draft MOU should be on the KC BOC agenda on Monday and then be forwarded to the Port for review. The staff review of the draft Environmental Impact Statement for the Energy overlay project has been received and revisions will be made. KC has selected Shiels Oblesk Johnsen as the firm to develop a marketing plan for industrial sites in KC. Maritime Trust is a large developer interested in inland Ports. A consultant has been hired to coordinate a single presentation of all the CGEDA Ports. A tour with Ben Bennett will be held March 13 and 14 prior to the presentation to Maritime Trust owners. Statements of Qualifications have been received for the KC "brand" project. Tom Seifert reported that he, Larry Nicholas and Bjorn Hedges (KC Public Works) will meet with Exec.D Sherwood and PC Deo here tomorrow at 8:00 to discuss the DIP infrastructure project and Sprint and PUD representatives will join them at 9:00.</p>	
<b><u>COUNSEL'S REPORT</u></b>	<p>Counsel discussed the Leasehold Excise Tax (LET) Opinion included in the packet. This issue stems from a lawsuit against the WA State Dept. of Revenue (DOR) attempting to get the LET statutes ruled unconstitutional. The Supreme court declared the statutes constitutional and left them in place. The opinion defines leasehold interest and who is liable for payment. A Port will be held liable for LET if the lessee fails to pay or if the Port fails to collect from the lessee. Counsel stated that a lease for any use of Port property requires the collection of LET from the lessee or it will have to be paid by the Port. Counsel is working on the Riley Bros., Underwood Fruit and Servpro matters.</p>	

<p><b><u>ADMINISTRATIVE MATTERS</u></b>  <b><u>! Consent Agenda</u></b></p>	<p>Items approved: • Minutes of February 18, 2003          • Vouchers #17966-17967; \$6,037.06          • Voucher #17968; \$2,771.03          • Vouchers #17969-17982; \$10,228.53          • Vouchers #17983-18008; \$23,336.04</p>	<p><i>PC Ford moved to approve the Consent Agenda as presented; seconded by PC Vinyard -- motion carried.</i></p>
<p><b><u>! Financial Report - January</u></b></p>	<p>Tabled.</p>	
<p><b><u>! Adopt B.Pt. CC&amp;Rs Resolution 5-2003</u></b></p>	<p>Exec.D Sherwood prepared Resolution 5-2003 to adopt the Bingen Point Master Plan including the Landscape Plan and the Conditions, Covenants &amp; Restrictions. The Master Plan and Landscape Plan were adopted by motion, but a formal resolution was postponed until the CC&amp;Rs were adopted. A public hearing regarding the CC&amp;Rs was held February 18 and they are slated for adoption tonight. Randy Salisbury (DSP Architecture) suggested that the 35' building height restriction be changed to 65' which would allow more flexibility and for a three story building. The PC felt that 65' seemed an excessive amount for three stories. Counsel pointed out that building height should take into consideration local fire department capabilities. Exec.D Sherwood will clarify with Randy the need for an increase in the height restriction to 65' height.</p>	<p><i>Exec.D Sherwood will investigate building height restrictions with DSP and with KC.</i></p>

<p><b><u>! Road Maintenance and Water Policies</u></b></p>	<p>Exec.D Sherwood discussed the need for road maintenance requirements in any agreement with any company or tenant using Port roads. A policy needs to be determined to address the issue. Counsel stated that as the property owner, the Port has the right to restrict the use of Port property unless assistance with maintenance of the property is part of the package. There needs to be a resolution stating the Port's policy regarding payment of a road maintenance fee. PC Deo was concerned that any fees must be realistic. Discussion followed regarding various methods of determining a fee. The issue would best be solved by KC taking over the roads, however, after numerous discussions, the county does not want the roads. Exec.D Sherwood will inquire if KC has any standards that would assist the Port in setting a policy. Exec.D Sherwood discussed the water policy regarding DIP. Many acres of property within the DIP are no longer Port owned. She recommended setting a policy outlining previous PC discussions that stipulates that Port tenants are to be served first, other users within the industrial park second, and then users outside the industrial park boundaries last. Counsel suggested that a system development charge be included in that policy. PC Deo suggested that it is important to keep economic development in mind when determining fees and not let them get out of hand.</p> <p>Mike Smith requested permission to offer public comment as he needs to leave for another meeting. PC Deo granted his request. Mike recommended not instituting any road maintenance fees for a couple years to allow the DIP port to develop before doing so. He stated that RISG will take care of the roads if they get their permit. He suggested making it easier rather than harder for developers; don't put another roadblock in the way of development. PC Vinyard stated that he didn't expect any fees to be a profit maker, but he does expect it to add to a fund for maintenance of the roads. Mike felt it would benefit the Port in the long run not to impose a charge on the first few users.</p>	<p><i>Exec.D Sherwood will work with Counsel to draft a resolution modifying the Port's policies to include maintenance and development fees.</i></p>
<p><b><u>! Road Maintenance and Water Policies, cont.</u></b></p>	<p>Matt Riley requested permission to speak. Granted. Matt stated that each individual circumstance needs to be considered individually. He feels that the Rece Bly operation and the RISG operation are two completely different things. Any vehicles that Mr. Bly would bring in is going to come in off a public road that has weight laws and other restrictions as to what can be hauled on a public highway. RISG trucks would be coming over private property that has no restrictions. He felt that five Rece Bly vehicles a day wouldn't have a significant impact on the roads, however, Matt doesn't disagree that the roads need to be maintained. He stated that there would just need to be a different rate for each type of user as each would have different impacts on the roads. The railroad overpass load limit must be taken into consideration.</p>	
<p><b><u>! Marketing-Maritime Trust</u></b></p>	<p>Exec.D Sherwood will allocate \$300-\$500 from the budget to assist KC with the joint marketing presentation for Maritime Trust.</p>	
<p><b><u>! EXECUTIVE DIRECTOR'S REPORT</u></b>  <b><u>*Bingen Point*</u></b>  <b><u>! Bldg 1D</u></b></p>	<p>Exec.D Sherwood reported that the final plan documents are expected around the 17th. She displayed the current site plan for Building 1D. The plan calls for 25,000 sf with an additional 2,500 sf if there is enough money. She illustrated the various attributes of the plan. <b>PC consensus to proceed with the project and go out to bid.</b></p>	

<p><b>! <u>Legislative Fix</u></b></p>	<p>Exec.D Sherwood stated that the legislative bill proposed by KC is now dead. WPPA is not supportive of such broad language in the bill, however, they have stated they will work on finding a solution for the cities and counties.</p>	
<p><b>! <u>Gorge Harbor Marina Project</u></b></p>	<p>Exec.D Sherwood discussed the proposal from Steve Tessmer included in the packet. The part still missing, important to the Corps of Engineers (COE) and National Marine Fisheries Service (NMFS), is the landscape mitigation plan. The inlet between SDS and Shore Drive was suggested as a good mitigation area.</p>	
<p><b>! <u>Binding Site Plan</u></b></p>	<p>Exec.D Sherwood discussed expenditure of budgeted funds to update the binding site plan for Bingen Point which would consolidate the master plan boundaries with the binding site plan. <b>PC consensus for Exec.D Sherwood to undertake a personal services contract with Bell Design for the binding site plan update.</b></p>	
<p><b>! <u>B. Pt. Fill Project</u></b></p>	<p>KLB Construction has been awarded the contract for the Bingen Downtown Revitalization and Highway 14 project.</p>	
<p><b>*<u>Dallesport Industrial Park*</u></b> <b>! <u>Innovative Weed Control</u></b></p>	<p>Exec.D Sherwood reported that she met with Marty Hudson and Max Fernandez in Centerville to discuss the use of sheep to control noxious weeds at Dallesport. Marty felt that 2-3 weeks of grazing would be needed to control the noxious weeds at DIP. Exec.D Sherwood did not feel this project would work at Bingen Point at this time due to transportation expense of the sheep and other issues. The project will be done at DIP and used as a test to determine effectiveness.</p>	
<p><b>! <u>Reclamation Plan - RFQ</u></b></p>	<p>Exec.D Sherwood discussed the huge packet of information received from the Dept. of Natural Resources (DNR) regarding reclamation plans. DNR has given a deadline of April 21, 2003 for completion of a reclamation plan for Dallesport. A 90-day extension has been requested. Exec.D Sherwood will ask if KC Public Works has the time to do the reclamation plan. Otherwise, funds will need to be found to hire a firm to complete the plan. Much of the surveying and mapping has already been done. PC Deo highly recommended seeking the advice of Jim Riley regarding the plan.</p>	
<p><b>! <u>Rece Bly - Pre-threshold Consultation with Klickitat County</u></b></p>	<p>Exec.D Sherwood discussed her conversation with Rece Bly regarding his proposed composting project. Mr. Bly felt that it was an arbitrary decision by Exec.D Sherwood not to recommend approval of his proposal to the PC. Exec.D Sherwood assured him that she liked his proposal but reconsidered recommending it to the PC after input from KC Solid Waste, KC Health dept. and DOE. Mr. Bly has apparently reached an agreement with Jim Riley to site his project on property owned by Jim which lies within the industrial park boundaries. He will be requesting water service from the Port and will initiate discussions regarding road use and maintenance issues.</p>	

<p><b><u>! DIP Infra Project</u></b></p>	<p>Exec.D Sherwood reported that tomorrow KC plans to go out for bids on the infrastructure project. She will have an update after her meeting tomorrow with KC Public Works. Tenneson Engineering is finishing the DIP binding site plan. PC Deo may be able to attend the meeting tomorrow which will be held at the Port office at 8:00.</p>	
<p><b><u>MISCELLANEOUS</u></b> <b><u>! MCEDD</u></b></p>	<p>Exec.D Sherwood reported that she has learned that PC Ford represents all of the WA ports for MCEDD. She suggested that we may want to either trade off with the Port of Skamania or just have better communication with them. MCEDD is planning a Regional Economic Development Workshop, Thursday, March 13 on the Sternwheeler in Cascade Locks. PC Ford may be able to attend. Exec.D Sherwood is not available.</p>	
<p><b><u>! Port Commission - Election</u></b></p>	<p>Exec.D Sherwood reported that the open filing period for PC Deo's position will be July 21 through 25. He stated he will consider running if he cannot find a qualified replacement.</p>	
<p><b><u>! WorkSource Luncheon April 25</u></b></p>	<p>Exec.D Sherwood reminded the PC of the WorkSource luncheon on April 25 and the futurist speaker.</p>	
<p><b><u>! Committee Updates</u></b></p>	<p><u>AIRPORT</u>: PC Deo will attend a meeting next Friday.  <u>MCEDD</u>: PC Ford reported that there will be a MCEDD meeting next week.  <u>BRIDGE/HWY 35</u>: PC Ford had no report.  <u>KC PEDA</u>: PC Vinyard reported that he attended the meeting at which the firm was selected for marketing of KC industrial properties. There will be another PEDA meeting on the 19th.</p>	
<p><b><u>! Agenda Faxing</u></b></p>	<p>PC Deo reported that apparently the agenda has not been faxed out the last couple of meetings. AA Drew responded that it had inadvertently been overlooked during the remodel and recovery process. She will make sure that it gets done again.</p>	
<p><b><u>PUBLIC COMMENT</u></b></p>	<p>There was no public comment.</p>	
<p><b><u>ADJOURNMENT</u></b></p>		<p><i>PC Ford moved to adjourn at 7:22; seconded by PC Vinyard – motion carried.</i></p>

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Approved on: \_\_\_\_\_  
submitted \_\_\_\_\_  
(Date)

Respectfully

Vickie L. Drew, Administrative Assistant

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Dianne Sherwood, Executive Director

Norman Deo, Chairman