

Agenda for Tuesday, March 18, 2003
Klickitat County Port District
2nd Regular Monthly Meeting
March 18, 2003 - 4:30 P.M. - PORT OFFICE

AGENDA

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

COUNSEL'S REPORT

ADMINISTRATIVE MATTERS

Consent Agenda:

March 4, 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

DALLESPORT INDUSTRIAL PARK:

Riley Bros. Concrete:

50-acre Operating Agreement Boundaries
Reclamation Plan

MISCELLANEOUS

Maritime Trust

Committee Updates

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

EXECUTIVE SESSION - Real Estate

ADJOURNMENT

PORT OF KCLICKITAT BOARD OF COMMISSIONERS MEETING MINUTES March 18, 2003 REGULAR SESSION		
<u>TOPIC</u>	DISCUSSION/ASSESSMENT/FINDINGS	ACTION/FOLLOW UP
<u>ATTENDANCE:</u>	<p>Commissioners/Staff Present: 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>PC/Staff Absent:</p> <p>Guests Present: Matt & Jim Riley (Riley Bros. Concrete), Mike Smith (Dallesport) and Steve Tessmer (Gorge Assoc.).</p>	
<u>PUBLIC COMMENT</u>	<p>The public meeting was opened at 4:31. There was no public comment.</p>	

<p><u>COUNSEL'S REPORT</u></p>	<p><u>Innovative Composites Engineering (ICE)</u> - Counsel reported that he had a very good conversation with Remi Baptiste, ICE's attorney. Mr. Baptiste relayed his clients concern that the new building's configuration is not conducive to the installation of ICE's equipment. More discussion will be needed regarding ICE's needs and the physical configuration of the building.</p> <p><u>Composting Project</u> - Counsel discussed the RFP issued by Metro outlining the area's solid waste problem and what they would like to do to address it. The solution will be either a confined facility in a building close to the population center with very high construction costs and no transportation costs or an open facility in a rural area with high transportation costs. They have \$1MM available with a dollar for dollar match for transportation and/or processing and/or transfer from one transportation mode to another. Bids are being opened as we speak, and Rece Bly was submitting a proposal.</p> <p><u>Attorney Certificate</u> - Counsel is working on the Attorney Certificate to finish up the paperwork for the CERB loan application for Building 1D.</p> <p><u>Underwood Fruit</u> - Counsel has prepared a lease document that has been sent to Mr. Gibson for his approval. It includes a rental rate of \$200 per acre per month. Exec.D Sherwood confirmed that \$175.00 was proposed to Mr. Gibson for an escalation lease versus a month-to-month (Yes).</p> <p><u>Master Lease</u> - Counsel reported that he has made further adjustments to the master lease allowing continued use after expiration of a lease, on a month-to-month basis.</p> <ul style="list-style-type: none"> • PC Deo inquired if Counsel has had any contact with Riley Bros. Concrete's attorney regarding the Groves building or the 50-acre survey. Counsel reported that he can not recommend that the Port take issue with the Riley's regarding the Groves building. There is documentation that the Groves' would leave the building unless they sold it to the next tenant (there is some documentation that they did sell it to the Riley's) and the Port has never tried to charge rent for the building. The Port's survey done by Tenneson Engineering and the Riley's survey done by Taylor Engineering are not the same scale, making it somewhat 	
<p><u>COUNSEL'S REPORT, cont.</u></p>	<p>difficult to compare the line differences. The Port's survey includes the security trailer within the 50 acres. Jim Riley is not interested in moving the lower boundary farther south as there is no aggregate in that area. PC Ford suggested exchanging the 1.86 acres (Lot #4) allowed in the operating agreement for the same amount of property around the security trailer, thereby eliminating the need for Riley's to move the trailer. The suggestion will be discussed with Mr. Riley.</p>	
<p><u>ADMINISTRATIVE MATTERS</u> <u>! Consent Agenda</u></p>	<p>Items approved:</p> <ul style="list-style-type: none"> • Minutes of March 4, 2003 • Vouchers #18009-18011; \$3,506.82 • Vouchers #18012-18015; \$46,369.95 • Vouchers #18016-18033; \$4,726.47 <p>PC Deo wished to clarify the statement regarding his running as Port Commissioner again. A change will be made to reflect that he will <u>consider</u> running again.</p>	<p><i>PC Vinyard moved to approve the Consent Agenda with the noted correction; seconded by PC Ford - motion carried.</i></p>

<p><u>! Financial Report - January</u></p>	<p>AA Drew discussed the cash balances memo noting total liquid funds of \$1,493,255.51. This amount is due to receipt of the bond proceeds on February 18. She also discussed the financial statement ending January 31. The balance sheet shows the excess cash receipts over expenditures at \$17,479.52. She discussed revenue and expense account percentages (actual vs. budget) against the target of 12%. Marine Terminal revenues are at 5% of budget, Sale of Water revenues are at 10%, and Property Rental revenues are at 13%. Total revenues are at 1% due to loan/bond/grant items not received yet but included in the budget. Marina Expenditures are at 1%, Water System Expenditures are at 5% and Property Rentals Maintenance is at 6%. Port Counsel Expense is at 2% and Office Expense-Supplies is at 10%. Total expenditures are at 1% overall leaving a net income of \$17,479.52. A trend report will be included at the end of each quarter.</p>	
<p><u>! Adopt B.Pt. CC&Rs Resolution 5-2003</u></p>	<p>Exec.D Sherwood discussed the information she received from Randy Salisbury regarding the question of the building height restriction. The height restriction of 35 ft. will be changed to 50 feet.</p>	<p><i>PC Ford moved to approve Resolution 5-2003 formally adopting the Bingen Point Master Plan including the Landscape Plan and the Conditions, Covenants & Restrictions (with the noted correction); seconded by PC Vinyard – motion carried.</i></p>
<p><u>! EXECUTIVE DIRECTOR'S REPORT</u> <u>*Bingen Point*</u> <u>! Bldg 1D</u></p>	<p>Exec.D Sherwood reported that as stated earlier, Counsel is reviewing the attorney certificate needed for finalization of the CERB loan. ICE's needs will be addressed with Randy Salisbury and Steve Maier. March 25 will be the first publication of the advertisement for bids and April 9 would be the bid opening date. Pending receipt of the CERB final documents, the bid would be awarded at the second PC meeting on April 15. [Editor's Note: April 22]</p>	
<p><u>! Gorge Harbor Marina Project - Landscaping</u></p>	<p>Exec.D Sherwood and Steve Tessmer will be going to Portland tomorrow to meet with the Corps of Engineers (COE) and National Marine Fisheries Service (NMFS) regarding the JARPA permit and to discuss the landscaping required to be done as mitigation for the project. Steve e-mailed a draft letter outlining what the Port has done already as Bingen Lake and Bingen Point (maybe this could be considered as partial mitigation) and suggesting the inlet area between SDS Lumber Co. and Shore Drive as a possible location for further mitigation efforts.</p>	

<p><u>*Dallesport Industrial Park* (DIP)</u> <u>! Infrastructure Project</u></p>	<p>Exec.D Sherwood met March 5 with PUD #1, Sprint and KC representatives regarding the DIP infrastructure. Another meeting was held this morning with Kennedy/Jenks, PUD #1 and Sprint to discuss how the project could proceed without slowing it down due to PUD concerns, as KC was hoping to go out to bid right away. Bill Hamm said moving the Dallesport feed lines underground will add four months to the project. The lines could be left above ground or the conduit could be placed underground and then actually run the lines when a tenant arrives and the lines pose a problem. She asked the PC how important underground power lines are to them. Discussion followed. PC Deo was hesitant to spend a lot of money up front. He was in favor of running the conduit first and the lines later. PC's Vinyard and Ford also favored underground lines down Dock Road, and overhead lines are fine on Parallel Ave.</p>	
<p><u>! Riley Bros. Concrete: 50-acre Operating Agreement Boundaries</u></p>	<p>Exec.D Sherwood relayed to Jim Riley the brief discussion during Counsel's report of the 50-acre surveys. Jim discussed the boundaries on the survey he had done by Taylor Engineering. Exec.D Sherwood asked Jim to explain the work that has occurred at the pit. The Riley's have leveled an area to 25 ft elevation and will maintain that elevation as they continue to dig and fill. Discussion followed regarding the watchman's trailer. Counsel suggested exchanging the right to the use of 1.86 acres (Lot #4) to the area around the trailer. The Riley's are moving their batch plant off Lot #39 to their own property. Matt Riley suggested that the watchman's trailer remain where it is and the Port interact more directly with the watchman. PC Vinyard stated that this would create either a contract or employee/employer relationship; neither is desirable. PC Deo suggested that the 1.86 acres allowed in the operating agreement be split between the land needed for Jim's silo on Lot #11 and an area surrounding the trailer. Counsel stated that the trailer needs to remain connected to the Riley's, not to the Port. An amendment to the operating agreement could state that they have the right to maintain their watchman's trailer in it's current location. PC Ford suggested that 90 to 120 days notice to move the trailer be included in the agreement. PC Ford brought up the issue of the amount of pit area open. He felt that considering the reclamation that has been done recently, it would not be a problem to increase the allowed open area. Jim would like to open 20 acres. Jim stated that if the Taylor survey is acceptable to the Port, he and the Port will begin working on the reclamation plan. Exec.D Sherwood and Jim will meet with Brad Campbell (DNR) to discuss reclamation of the site. Jim has spoken with Frank Childs (Taylor Engineering) who gave him an estimate not to exceed \$6,000 to do the reclamation plan at DIP. He stated that he received quotes as high as \$66,000 to do the reclamation plan for his pit in Goldendale. Counsel asked how the PC would like to proceed with the survey issue; the trailer issued will be be addressed at another time. The PC's approved Taylor's survey as presented.</p>	<p><i>PC Ford moved to approve accepting the survey done by Taylor Engineering dated 11/05/02 as the footprint for the operating agreement; seconded by PC Vinyard – motion carried.</i></p>
<p><u>! Reclamation Plan</u></p>	<p>Exec.D Sherwood will request a cost estimate from Tenneson Engineering as a comparison to Taylor's quote. Discussion followed regarding having Taylor do the job due to the DNR's deadline. Exec.D Sherwood will investigate further and come back with a recommendation.</p>	

<p><u>MISCELLANEOUS</u> <u>! Maritime Trust</u></p>	<p>Exec.D Sherwood reported that she has spent a lot of time preparing for the anticipated presentation to Maritime Trust's owners in April. Their representative, Ben Bennett, was here Friday for a visit to the area. He was very impressed with what he saw. Exec.D Sherwood met this afternoon with Pearl Communication regarding the presentation. KC is assisting with funding of this presentation's preparation process.</p>	
<p><u>! Gorge Harbor Marina Project - Landscaping</u></p>	<p>Steve Tessmer arrived to discuss his draft plan and the meeting tomorrow in Portland. He will try to talk NMFS into counting the projects that the Port has already done and may do in the future around Bingen Lake as the mitigation rather than try to do things along the river that won't work. He stated that the Port has already spent over \$85,000 on Bingen Lake and it should be counted for something.</p>	
<p><u>! Committee Updates</u></p>	<p><u>AIRPORT</u>: PC Deo attended a meeting last Friday. Jim Layman from Wasco Co. was elected as the seventh board member. <u>MCEDD</u>: PC Ford reported that there will be a MCEDD meeting tomorrow. <u>BRIDGE/HWY 35</u>: PC Ford had no report. <u>KC EDA</u>: PC Vinyard reported that he will be unable to attend the EDA meeting tomorrow. The speaker will be a potential candidate for Governor.</p>	
<p><u>PUBLIC COMMENT</u></p>	<p>Jim Riley was asked to illustrate on the map the area that would be used by the proposed composting operation. The location for a water connection was also discussed. Jim has not signed an agreement with Mr. Bly.</p>	
<p><u>EXECUTIVE SESSION - Real Estate</u></p>	<p>PC Deo called for a five minute break. He called the Executive Session to order at 6:38. Those present: PC's Deo, Ford & Vinyard and Counsel. Exec.D Sherwood and AA Drew were invited to join the meeting at 6:55.</p>	<p><i>PC Deo closed the Executive Session at 7:27.</i></p>
<p><u>ADJOURNMENT</u></p>		<p><i>PC Ford moved to adjourn at 7:27; seconded by PC Vinyard – motion carried.</i></p>

Approved on: _____
 submitted _____
 (Date)

Respectfully

Vickie L. Drew, Administrative Assistant

 Dianne Sherwood, Executive Director

Norman Deo, Chairman