

TOPIC	DISCUSSION / ASSESSMENT / FINDINGS	ACTION
<b>Attendance</b>	<b>Commissioner/Staff Present:</b> Port Commissioners (PCs) James Herman, William Schmitt, Wayne Vinyard; Executive Director (ED) Margie Ziegler; and Administrative Assistant (AA) Bonita Snyder. <b>PC/Staff Absent:</b> None. <b>Guests Present:</b> Izak Riley, President Rapid Ready Mix; Hank Ohlson, General Manager Rapid Ready Mix; Bill Eling, Port Attorney (via teleconference).	Meeting called to order by PC Vinyard at 4:31PM.
<b>Administrative Matters</b> Approval of Minutes  Approval of Vouchers	Minutes – September 7, 2021.  Payroll Vouchers – September 20, 2021, #D13012-D13019, \$11,466.70.  Vouchers – September 27, 2021, #28780-28793, \$11,496.27.  Payroll Vouchers – October 5, 2021, #D13020-D13035, \$13,004.57.  Vouchers – October 5, 2021, #28794-28807, \$20,810.31.	PC Schmitt M to approve the minutes, PC Herman S, MP 3-0.  PC Herman M to approve the vouchers, PC Schmitt S, MP 3-0.
<b>Old Business</b>	None.	
<b>New Business</b>	None.	
<b>Executive Director’s Report</b> DIP 151C Building Project Acceptance	ED Ziegler stated the Port needs to accept the 151C building project. She noted there is a sewer vent pipe that Hale Construction is going to shorten and cap. She said some pavement striping is lifting up. She was told that the paint is produced in Texas and evidently freezing conditions in Texas have caused much of the paint produced during a certain time frame to fail. Ziegler noted reapplication should be with a better batch of paint. PC Schmitt stated the striping lifted the asphalt in several places including the wheelchair access parking area. He expressed concern there would be a divot where paint is removed. Ziegler tabled the	

<b>Executive Director's Report (cont.)</b> DIP 151C Building Project Acceptance (cont.)	acceptance until Dana Hale, Hale Construction could review the asphalt.	
<b>Executive Director's Report (cont.)</b> DIP 151C Building Schedule Open House	ED Ziegler offered three dates for the open house and ribbon cutting. Discussion followed about the open house. PC Vinyard it was important Dana Hale, Hale Construction be able to make it in order for the Port to give recognition of his work.	By consensus the PC set the Open House for the 151C building for October 18 <sup>th</sup> from 10am-12pm with a ribbon cutting shortly after 10am.
<b>Executive Director's Report (cont.)</b> BPT Lot 9 Fill Project	ED Ziegler said Lot 9 had to be re-compacted in the Spring of 2021 and will have two lifts by the end of the year. She said Darrin Eckman, Tenneson Engineering said James Dean Construction did an excellent job with compaction. Ziegler noted the cooperation of multiple companies bringing in fill. Ziegler said James Dean and Crestline will be coordinating responsibility for compaction. PC Schmitt asked how much higher Lot 9 should be lifted. Ziegler did Eckman could give us an estimation. She said due to problems with material not being properly compacted last fall the Port was unable to accept fill on Lot 9 throughout the rainy season. She is happy to have the area ready this year.	
<b>Executive Director's Report (cont.)</b> BPT Underpass Drainage	ED Ziegler stated the Washington State Department of Transportation (WSDOT) has received the Port's letter. She noted the Port's WSDOT contact will be changing. PC Vinyard stated the Port's engineer will need to be involved. Vinyard asked if Darrin Eckman, Tenneson Engineering had any outstanding concerns. Ziegler stated Eckman included all his concerns in the letter to the WSDOT.	
<b>Executive Director's Report (cont.)</b> 2022 Budget Workshop	ED Ziegler presented a handout for the PC to notate in preparation for the October 19 <sup>th</sup> budget workshop at 11:00am.	
<b>Executive Director's Report (cont.)</b> Hamilton Construction Lease Expansion and Potential Concrete Disposal	ED Ziegler said Hamilton Construction had placed materials outside of their leased area, and have requested additional space. Ziegler stated she is engaging in a lease amendment to lease the entire back portion of Lot 39 which includes the Port's surplus pile in the Northwest corner.	

<p><b>Executive Director's Report (cont.)</b> Hamilton Construction Lease Expansion and Potential Concrete Disposal</p>	<p>Ziegler stated Archaeological Investigations Northwest (AINW) had surveyed Lot 39 and the Port has received approval from the Department of Archaeology and Historic Preservation. She noted Hamilton Construction currently has 40 employees and 10 contractors actively employed. Ziegler discussed how Hamilton Construction has added value to the lots by leveling 38, graveling 38, and putting in the cement pad on lot 4.</p> <p>Ziegler stated she is working with Darrin Eckman, Tenneson Engineering on options to utilize Hamilton Construction's waste concrete as fill. PC Schmitt stated he wanted to ensure there are no issues with placing the waste materials. PC Vinyard noted there are ways to mitigate any issues. PC Herman noted he believed placing fill over resources was okay, so long as any potential resources were not disturbed. Schmitt suggested the Port focus on getting archaeological clearance for potential placement sites. Vinyard added AINW will need to advise the Port on how to respectfully move forward if resources are found. Ziegler stated the Port can explore various placement options, including refusal of the material. Vinyard expressed his belief the material as fill could be a strong benefit to the Port. Ziegler stated she is waiting for an estimate on how much fill material is expected.</p>	
<p><b>Executive Director's Report (cont.)</b> Projects in Progress</p>	<p>ED Ziegler noted Darrin Eckman, Tenneson Engineering has been working on developing bid documents for the Marina Parking Lot Grading/Asphalt Pulverization, the Boat Ramp Repair, and the Sailboard Park Irrigation Line Repair. She noted as soon as Eckman develops the scope of the projects, the Port will send requests for quotes out to contractors on its Small Works Roster. She said she has been receiving quotes for the reservoir cleaning contractors and those will be reviewed by Eckman prior to entering into a contract.</p>	
<p><b>Executive Director's Report (cont.)</b> Stratton Development</p>	<p>ED Ziegler stated she has continued working with the Washington State Department of Transportation and Klickitat County Road Department to try to ensure there will be no traffic hazard issues onto Dow Road due to</p>	

<p><b>Executive Director's Report (cont.)</b> Stratton Development (cont.)</p>	<p>the new development. Ziegler noted NW Natural is working with Tenneson Engineering to get appropriate easements as they adjust the location of some infrastructure.</p>	
<p><b>Executive Director's Report (cont.)</b> Kerrits Expansion Options</p>	<p>ED Ziegler reported Kerrits is exploring expansion options. Ziegler stated she has engaged Kerrits in discussions with the tenant in 1A-E regarding modifying the space to allow Kerrits more warehouse space. PC Schmitt noted it might be a benefit to both tenants. Ziegler stated Kerrits is not ready to build a new facility on Lot 18 at this time.</p>	
<p><b>Executive Director's Report (cont.)</b> General Updates</p>	<p>ED Ziegler stated she has scheduled a meeting with Jenny Taylor to discuss any upcoming issues.</p> <p>Ziegler related an on-site conversation with Paul Cothren, Dallesport Log Yard regarding the use of the staging area and the potential for future rock export. PC Vinyard noted the Log Yard will need to develop a system of dock use that addresses the needs of multiple users.</p> <p>Ziegler stated she spoke with James Dean who requested an extension of the operating agreement and discussed barging rock.</p> <p>She noted she had scheduled a meeting with Port Consultant Byron Hanke to discuss strategic planning and budget.</p> <p>Ziegler stated she had emailed SDS Lumber information about the title search and outlined the Port's need for an easement to access its property to the east and the need for SDS to have an easement over Marina Way. She also sent an email about the encroachment of the fence and curb on Maple Street.</p>	
<p><b>Executive Director's Report (cont.)</b> Equipment Repair</p>	<p>ED Ziegler reported the Skidsteer was repaired at \$426.57 less than quoted as the control stick buttons did not require replacement. PC Schmitt expressed the opinion the Skidsteer will require tires before</p>	

<p><b>Executive Director's Report (cont.)</b> Equipment Repair (cont.)</p>	<p>winter and he expected an expense of about \$1,100.</p> <p>Ziegler shared Schmitt painted the dump truck bed for a total expense of \$222.37 in materials. Ziegler thanked Schmitt for the doing the painting and said it greatly improves the appearance of the truck.</p>	
<p><b>Executive Director's Report (cont.)</b> Grant Opportunities</p>	<p>ED Ziegler stated she signed herself up for Infrastructure Assistance Coordinating Council to learn about grant opportunities and will be attending the Washington Public Ports Association Small Ports Seminar soon. Ziegler provided a brief overview of grants awarded to the Port in 2021.</p>	
<p><b>Executive Director's Report (cont.)</b> Sailboard Park Handicap Parking</p>	<p>ED Ziegler noted PC Vinyard had forwarded a concern from a member of the public about restrictions on Sailboard Park access from the handicap parking space. Ziegler stated she brought up the concern in a staff meeting and told Maintenance Lead Jeff McClain to contact the citizen and work together with the individual to determine an appropriate solution. Ziegler said the citizen was grateful for the call back and the Port's willingness to find a solution.</p>	
<p><b>Executive Director's Report (cont.)</b> Broker Interest</p>	<p>PC Herman referred to the letter included in the packet from a broker asking about the possibility of working with the Port and receiving a commission. He expressed any commissions given to a broker should be paid by the potential tenant and not the Port and the broker. Ziegler said the Port has not paid a broker in the past.</p>	
<p><b>Commissioners Remarks</b></p>	<p>PC Vinyard stated he did not attend the Klickitat County Public Economic Development Authority Board meeting as it conflicted with the Port's meeting.</p> <p>PC Schmitt stated he is no longer with Mid-Columbia Economic Development District. He said it was an interesting experience and he hopes Skamania County will stay actively involved. Vinyard noted the Skamania County representatives will represent Klickitat County too, so the Port can stay in touch.</p>	

**Public Comment**

Hank Ohlson, Rapid Ready Mix said he had no public comment but had requested an executive session to discuss a land lease. PC Vinyard said the Port cannot do that at this stage. Vinyard said all communication needs to be in writing and handled through the Port's attorney. Ziegler said the Port attorney advised that due to Rapid Ready Mix stating they have an attorney, Rules of Professional Conduct require that all communication must go from Rapid Ready Mix's attorney to the Port's Attorney and that prevents the Port's Attorney from talking directly to Rapid Ready Mix. Ohlson said Rapid Ready Mix would be happy to rescind the statement of retaining a lawyer, and stated his ultimate goal would be to work directly with the Port to come up with a resolution. Ziegler reiterated the Port Council's recommendation for Rapid Ready Mix's attorney to work directly with the Port's attorney regarding the lease termination. Ziegler stated again all correspondence has to be in writing.

PC Herman stated Izak Riley, Rapid Ready Mix called him directly and Herman explained his concerns. Herman stated he discussed the terminated lease and advised Riley to forward emails Riley said he had received from former Executive Director Marc Thornsbury directly to the Port's attorney. Riley said he would produce the emails.

Riley stated he had no ill intent and thought they were operating the lease by the book. He stated he had equipment sitting onsite for three weeks before he performed work on the lot and no one commented on it. He noted Rapid Ready Mix has had a good relationship with the Port for approximately 35 years, and wants to continue that relationship. He stated that they would do whatever they can to fix it to make it right. Riley stated Rapid Ready Mix does things by the book across the board but sometimes things get missed or slip through the cracks. He said he has re-read the lease and the requirements sure were in there. He

**Public Comment (cont.)**

mentioned a conversation with Thornsbery about determining the grade of the lot, where he had stated his intent to dig, and was told to proceed with the established grade after Tenneson Engineering evaluated the lot. He said nothing was brought up above and beyond setting of the proper grade. He stated he will do whatever it needs to make it right, including paying fines, going through the attorney, etc. to continue a positive relationship with the Port. He said he was not opposed to any of it, just needed to make it right. PC Schmitt noted at this point Rapid Ready Mix would need to go through the attorney.

Riley requested a special meeting with the attorney present. Ziegler stated that Rapid Ready Mix's attorney can talk with the Port's attorney.

Ohlson said, "Ultimately what we would like to maintain with the Port, you know, if these lease on this property goes away, we terminate it, you know we agree to willfully do that you know, we are willing to do that if we could find another piece of ground that we could lease you know, start fresh." Ohlson stated Rapid Ready Mix would ultimately like to maintain a relationship with the Port in order to enter into a new lease, if they do willfully terminate the current lease. Riley stated he wants a batch plant in Dallesport. Riley said it takes about a week and a half to set up a batch plant, and is prepared to set up a plant in the Spring. He expressed his opinion it is a market that needs to be served. He stated he expected 10-12 employees on start up. Riley stated he was angry with the Port initially, but after a review of the lease he realized he did not operate with a full set of information. Riley said he felt the need to call Herman and figure out what was going on. Herman said he felt he couldn't lie to Riley and felt there were things Riley did not know. Riley said he wished he had called sooner. Riley stated Hank Ohlson is responsible for running the company. Riley said looking back at the lease he completely understood. He had a lot of second hand information. He did see it kind of hidden in the lease. Herman stated

<p><b>Public Comment (cont.)</b></p>	<p>knowing what he knew about the thing, and all the stuff that has happened with the Port and having to have the archaeological investigations – he didn't know about it before then, so couldn't fault Riley for not knowing about it. Riley said he has had to pay for overlooking things before and does not want to put the Port at risk by any means. Riley said he would take the 100% fall for it if that's what it came down to and Rapid Ready Mix could afford to do that. He said it's in the contract, I expect that. Herman stated there has been issues with non-payment before so the attorneys will need to work that out. Herman apologized for jumping in, but stated he felt he needed to explain. Riley said he would have the attorneys get together and start talking, and asked the Port to let him know if something different needed to happen.</p> <p>Ohlson asked if Rapid Ready Mix agrees to the lease termination on this piece of property and maintains a relationship between Rapid Ready Mix and the Port, would the Port would consider starting over fresh on another spot in Dallesport and lease to Rapid Ready Mix again. Ziegler stated the Port cannot answer question now. She said the Port knows what we know based on this terminated lease and that is what the Port has to base future leases on.</p> <p>Ziegler asked if Riley was still interested in removing the rebar from Lot 18. Riley said they never wanted the rebar but could get in and remove it. Ziegler expressed appreciation for removing the rebar for Hanging H.</p>	
<p><b>Executive Session</b></p>	<p>PC Vinyard recessed the PC Meeting at 5:27 PM for five minutes. Vinyard called an executive session at 5:31 PM pursuant to RCW 42.30.110(1)(i)(i) for a period of one half hour. Vinyard adjourned the executive session at 6:09 PM. No action was taken in the executive session.</p>	



**Adjournment**

PC Vinyard adjourned the PC Meeting at 6:09 PM.

Approved on November 16, 2021  
(Date)

Margie Ziegler  
Margie Ziegler, Executive Director

Bonita Snyder  
Bonita Snyder, Administrative Assistant

Jim Herman  
Jim Herman, Secretary