



**APPROVED 3/20/18**

**MINUTES**

**BOARD OF COMMISSIONERS**

**REGULAR MONTHLY MEETING**

**TUESDAY, FEBRUARY 20, 2018, 6:00 P.M.**

**POTB MAIN OFFICE – CONFERENCE ROOM**

**4000 Blimp Boulevard, Tillamook, Oregon 97141**

1. Call to Order: Bob Olsen @ 6:00 p.m.
  - a. Recognition of Persons Present: Commissioners Bob Olsen; Gerry Opdahl; Jack Mulder; Carolyn Decker; and Jim Young.  
Port Staff: General Manager Michele Bradley; Pami Boomer; Aaron Palter and Margaret Amick  
Merina & Company, LLP: Tonya Moffitt, CPA  
Oregon Coast Scenic Railroad: Scott Wickert; Paul Daniels; Tim Thompson; Rich Gitschlag; Jessica Jung; Brian Cameron; Meghan Burdick  
Oregon Recreational Trail Advisory Council (ORTAC): Jim Thayer  
Salmonberry Trail Intergovernmental Agency (STIA): Bill Baertlein  
Oregon Parks and Recreation Department (OPRD): Director Lisa Sumption and Dennis Wiley  
Oregon Department of Forestry (ODF): Kate Skinner  
Headlight – Herald: Jordan Wolfe  
Public: Connie Soper; Ann Harper; Don Coleman; Jim Becraft; Scott Bailey
  - b. Recess into Executive Session - The Board will now recess to Executive Session as authorized by ORS 192.660 (2)(e) for Real Property Transactions and ORS 192.660 (2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. Recessed Regular Session @ 6:03 p.m. and entered Executive Session @ 6:04 p.m. Exited Executive Session @ 7:14 p.m.
  - c. Resumed Regular Session @ 7:15 p.m.
2. Public Comment: Paul Daniels spoke as a board member of OCSR and as a county resident. He wants to see POTB retain control of the rail right of way and allow STIA to manage it as they develop the Trail. He is concerned that STIA is weighted with members from outside of Tillamook County and that future Trail development decisions would adversely affect the interests of local businesses and residents. He suggested a clause in the POTB/STIA lease stating that POTB has the right to accept or reject decisions made by STIA.

Jim Becraft suggested there be public comment after Agenda Items 3 & 4 are completed.

Lisa Sumption, OPRD and STIA Co-Chair, submitted a letter for public comment on behalf of STIA. The letter stated STIA's plan to cooperate with and include all interests in developing the trail. By way of that intention STIA; at their February 2, 2018 meeting and prior to approving the STIA-POTB lease, voted to establish a joint workgroup/forum to engage with current and potential lease holders.

3. Discussion and Consideration of Final Salmonberry Trail Rail-Line Use Agreement: Gerry Opdahl asked Lisa if there was supposed to be a meeting between OCSR and STIA before STIA signed the lease. She explained that STIA will be setting up a focus group to meet with local communities and current and potential lease holders to facilitate collaboration with the Trail development. It has always been the intention of STIA to develop rail with trail in the Coastal Segment and to collaborate with OCSR in the effort. Jack Mulder explained that representatives of the partners in STIA have been meeting to discuss the framework for the joint workgroup and how it would be structured but it hasn't been formally defined yet. It has been proposed that for new agreements there would be 3 categories: Simple agreements would consist of crossings, underground work and other similar agreements and would be expedited. POTB could vote to approve before review by STIA. Medium agreements would be for aboveground work in the right of way, encroachments, and signs in the right of way and would be reviewed first by STIA before going to the Port. Major agreements such as a large new use, renegotiation with OCSR, or rail storage would require advance discussion before STIA, POTB and the party seeking the agreement have a meeting. That path still needs to be worked out. Gerry Opdahl and Carolyn Decker asked if the Port could meet with OCSR to renegotiate the POTB/OCSR lease after the signing of the STIA/POTB lease. Jack replied yes, but STIA would have the opportunity to review the agreement before it is signed. Gerry Opdahl, Carolyn Decker and Jim Young all expressed their extreme reluctance to give STIA the authority to amend the terms or disallow renewing the Port's lease with OCSR.

Bob Olsen summarized the issues between STIA and OCSR regarding the portion of the agreement giving STIA the ability to raise objections to future lease agreements affecting the railroad right of way. Jack Mulder spoke of the willingness and ability of POTB to negotiate an amended lease with OCSR. He explained that STIA needs to have input in decisions that may impact the planning and implementation of the Trail. He went on to explain the potential consequences of not approving a lease with STIA. If STIA withdraws as the Port's trail partner because they can't get a lease acceptable to them and the Port can't find another trail partner then the Surface Transportation Board would consider the railroad abandoned and parts could be subject to reversion to the landowners. The Port would be subject to continuing liability along the rail line. **Gerry Opdahl moved to table the vote on the POTB/STIA lease until the March 20, 2018 Regular Meeting and Carolyn Decker seconded. Jim Young expressed his concern of whether the delay would have significant repercussions. Jack Mulder asked what would be the purpose of tabling the vote; whether for the Port to think it over for another month, take some other action during the time period or is there something else to go back to STIA and ask for. Jim Young expressed a desire to remove language in the lease that gives STIA control of the part of the rail leased by OCSR. The motion carried (3-1-1, with Jack Mulder**

**dissenting and Bob Olsen abstaining).** Paul Daniels thanked the Board for tabling the vote.

- a. Printouts from letters and emails to the Board/Port of Tillamook Bay from OCSR Supporters were provided to the Board and entered into the record.
4. Discussion and Consideration that a joint work group be established, as recommended by the Salmonberry Trail Intergovernmental Agency (STIA), to work on proposed new or amended use agreements with representatives of the entity requesting the new or amended agreement, and any other affected parties holding agreements with the POTB; designation of two POTB representatives. **Tabled until March 20, 2018.**
5. Presentation of Fiscal Year 2016-2017 Audit Report to Board – Tonya Moffitt, Merina and Co. LLP reported that the audit was unmodified, which means it was clean with no problems and in compliance with all regulations required by the government. She answered questions from the Board and complimented the Port (Pami Boomer) on the good work.
6. Financial Report – Pami Boomer
  - a. January 2018 Financials – not reviewed due to time constraints
  - b. Draft Budget Calendar - was supplied to the Board for review.
  - c. Budget Discussion – will be at the Special Meeting on March 13, 2018 @ 1:00 p.m.
  - d. Budget Committee – Pami asked the Board for permission to ask Matt Mumford, Larry Rogers and Jerry Dove to serve on the 2018–19 Budget Committee. The Board granted permission.
7. Consent Agenda – Motion to Approve Consent Agenda
  - a. Prior Meeting Minutes – Regular Meeting of January 16, 2018
  - b. Lease Order 18-04 Tillamook County Family YMCA; Bldg. 59; Indoor Youth Sports & Strength Training; 1 year
  - c. Lease Order 18-06 Zellah Hotels; Bldg. 72; Storage; mo – mo
  - d. Lease Order 18-07 Astound Broadband LLC, dba Wave by Coastcom; MP 840.76 – 840.8
  - e. Lease Order 18-08 Astound Broadband LLC, dba Wave by Coastcom; MP 845.66; Fiber Optic Crossing; annually**Jim Young moved to approve the Consent Agenda as presented, Jack Mulder seconded. The motion carried (5-0).**
8. Discussion and Consideration of Resolution 2017-2018 #4 In the Matter of Updating Rules and Procedures for Access to Public Records – to incorporate changes adopted in the Oregon Senate Bill 481. **Jim Young moved to Approve Resolution 2017-2018 #4 In the Matter of Updating Rules and Procedures for Access to Public Records. Jack Mulder seconded and the motion carried (5-0).**
9. Discussion and Consideration of Resolution 2017-2018 #5 Authorizing the Filing of a Notice of Real Property Including a Closed Landfill as required by ORDEQ Permit No. 1107. **Jim Young moved to Approve Resolution 2017-2018 #5 Authorizing the Filing of a Notice of Real Property Including a Closed Landfill. Carolyn Decker seconded and the motion carried (5-0).**

10. Manager's Report (25 minutes)
  - a. January 2018 Safety Meeting Minutes – Bldgs. #5, #6 and Hangar B inspections were performed in lieu of the Safety Meeting.
  - b. County Funding Priority – City of Tillamook recommended funding for 3 projects affecting POTB: 1 - funding to develop a mitigation policy and retrofit plan for key assets, including the Tillamook Airport, under the Regional Resiliency Plan; 2 – funding to connect the Port to the Tillamook City sewer; and 3 – funding to help the Port repair Hangar B.
  - c. ACEC Award for Southern Flow Corridor Project – the American Council of Engineering Companies awarded a 2018 Engineering Excellence Grand Award to the Southern Flow Corridor Project. Michele thanked Aaron Palter for all of his work on the SFC project.
  - d. Possible leases under review – approved under agenda item 7 after STIA lease was tabled.
  - e. SDAO Annual Report – information provided to SDAO members
  - f. Discussion of Banks Yard – Shadco is performing current work needed for new ties for \$112,000. P & W will not continue operating into the Hampton yard if repairs aren't made. Michele asked the Board if she should check into selling that section of rail, either to P & W or someone else. The maintenance on the rail offsets any fees collected and a sale would relieve the Port of any Railroad retirement requirements. The Board authorized Michele to pursue a sale.
  - g. Update on Biogas Corp. – The Port is still working on the lease. Larry Condon has a verbal agreement with PUD on net metering and is waiting on a written agreement.
11. Committee Reports (5 minutes each)
  - a. Tillamook Lightwave – Commissioner Young reported that TLW accepted a bid on the HVAC system for \$120,000.
  - b. Salmonberry Trail – Commissioner Mulder made no report.
  - c. Friends of Tillamook Air Museum (FOTAM) – no meeting in February
12. Communications
  - a. Next Special Meeting – Thursday, March 1, 2018 @ 12:30 p.m. (Third Workshop for Strategic Business Plan)
  - b. Budget Workshop & STIA Lease Executive Session-Tuesday, March 13, 2018 @1:00 p.m.
  - c. Next Regular Meeting – Tuesday, March 20, 2018 @ 6:00 p.m.
  - d. No Special Meeting in April due to scheduling conflict
13. Commissioner Comments: None
14. Adjournment: @ 9:13 p.m.