



APPROVED 10/25/23

MINUTES

POTB BOARD OF COMMISSIONERS

REGULAR MONTHLY MEETING

PORT OFFICE, 4000 BLIMP BLVD., TILLAMOOK – CONFERENCE ROOM

WEDNESDAY, SEPTEMBER 20, 2023 AT 6:00 P.M.

<https://us02web.zoom.us/j/83129151116?pwd=dkFRM0VsWk1U04yQnh6UU00ekNndz09>

Any comments or written testimony, if allowed, may be submitted to mbradley@potb.org up to 3:00 pm on the afternoon of the meeting

1. Call to Order @ 6:04 p.m.

Recognition of Persons Present: Commissioners Sierra Lauder, Jack Mulder, Bill Baertlein, Kevin Stoecker and Matt Mumford.

Port Staff: General Manager Michele Bradley, Pami Boomer and Margaret Amick

Public: Janice Laviolette, Green Toaster, LLC; Damian Laviolette, Jetty Fishery/Laviolette Bay Trading Company, LLC; Colin Davis, Kelly's Marina; and Gary Bond

Public Comment – Janice Laviolette spoke about the situation regarding their property along the railroad right of way. She is hoping that appearing in person will cause the board members to identify with the property owners, and possibly influence their decision.

2. Discussion with Friends of Tillamook Air Museum – FOTAM President Gene Kyniston wasn't present, so the item is tabled to a future meeting.

3. Discussion of Railroad Right of Way Issues, Salmonberry Trail, Crossings, and Encroachments. The Salmonberry Trail Foundation (STF) is pushing back on approving any new agreements, either for new owners or property transfers of property along the POTB railroad right of way (ROW). The board discussed how Tillamook County has been approving building permits that encroach on the Port's ROW or where the property can only be accessed by encroaching on the ROW, and how to correct or mitigate the effects of the errors. Michele has been in contact with the Tillamook County Department of Community Development Director to discuss how to prevent future mistakes. The board members want

the ROW leases to be reviewed on a case by case basis. Bill would like the Port to establish a long range policy against selling land along the railroad ROW but allowing long term leases; Sierra, Matt and Kevin feel that the Port needs to be more protective of its ROW and to not accept the results of the errors made by the county in approving the permits. Additionally, Sierra thinks the railroad ROW leases should specify that the ROW is zoned industrial and adjacent landowners cannot limit activities within the ROW that fall under the zoning. She also would like a policy that landowners would not automatically be allowed to replace structures that encroach on the ROW and would have to apply to the Port for approval. Jack referred to how some properties have extremely limited usable area due to a railroad ROW setback and a riparian setback. Michele wants the Port to have an understanding with the Salmonberry Trail Foundation (STF) that the trail will be built at the top of the considered properties to minimize the impact to the existing structures. Damian Laviolette strongly requested that the Port approve the sale of 20 feet of the portion of the railroad ROW adjacent to the water. Janice Laviolette echoed his request. No action was taken.

4. Consent Agenda

- a. Minutes of 8/16/23 Regular meeting
- b. Lease Order #23-24 Green Toaster, LLC; RR MP 837.42; Private Road Crossing; Annually
- c. Lease Order #23-25 Green Toaster, LLC; RR MP 837.43; Encroachment; Annually
- d. Lease Order #23-26 Laviolette Bay Trading Co., LLC; RR MP 837.29; Encroachment; Annually
- e. Lease Order #23-27 Cutler, LLC; RR MP 841.22; Encroachment; Annually

Jack moved to approve items a & b and table c, d & e. Matt seconded and the motion unanimously.

5. Office Administrator Report – Pami Boomer reported the financials are in good shape two months into the budget.

- a. Discussion and Consideration of Capital Outlay budget line item for Septage Receiving Upgrade. When Pami was putting together the FY 2023-24 budget, she received an in house estimate of \$57,000 for the Septage Receiving upgrade. Costs increased during the several months that went by between the estimate and the bidding process and the winning bid came in at \$85,000. Since the actual cost is more than \$10,000 over the Capital Outlay budgeted amount Pami needs the board's approval to go over the budgeted line item. To keep within the FY 2023-24 Utilities budget, the Fire Hydrant replacement project will be pushed to the next fiscal year. The fire hydrant replacements are performed as funds are available in anticipation of future construction so moving the project will have no effect on current needs or water use. **Bill moved to approve going over the budgeted line item by \$20,000 and Matt seconded. Kevin asked about other projects going over the budgeted amount and Pami explained it is part of the challenge to the budgeting process. Many of the quotes used for budgeting**

projects expire before the budget is approved and it is hard to predict the difference in costs. The board then voted and the motion passed unanimously.

Pami reported that the road maintenance slurry seal project was completed under budget. She provided the board with a graphic showing the cash accounts and their balances and will try to provide one each month.

6. Air Museum Information (written only; Rita on vacation) – Michele applauded Rita and her crew on receiving a letter from a couple who visited the Museum complimenting Rita and staff on exceptional customer service in allowing them to access the cockpit of the museum’s Convair 880. The husband had his last trip as a Flight Engineer on that very same plane and was able to rediscover some long ago memories.
7. Manager’s Written Report and Discussion - Michele Bradley spoke of the Oregon Department of Human Services (ODHS) Able Ready 4 (AR4) Event held at the Port. The event was a test deployment of the emergency shelters and supplies for up to 100 people stored in Conex containers next to the helipad at the Airport. The Tillamook Airport is designated as the emergency supply distribution point for the coast in case of a Cascadia subduction zone earthquake or other extreme disaster; the Board of County Commissioners held their monthly meeting in the command tent the next day so they could see what would be available for communications if needed; the RV Park passed its annual inspection from the Health Department with no violations; the Tillamook Early Learning Center (TELC) Color Run Fundraiser had over 100 participants; Denis Schmitz has vacated his land lease and the property is being prepped for the new tenant; Michele has been in conversation with STF and the City of Banks regarding trailhead parking; and with the City of Rockaway Beach, STF and Oregon Coast Scenic Railroad (OCSR) regarding the section of trail planned through Rockaway Beach; DEQ has renewed the Port’s Water Pollution Control Facilities (WPCF) permit for the septage receiving station through August 31, 2033; Michele attended Senator Wyden’s Roundtable at the Tillamook County Creamery Association; and Michele has been appointed by the Governor to the State Infrastructure Finance Authority as the Ports Representative position.
8. Discussion and Consideration of Property Donation to ODOT for the NW Main Street/NW Banks Road Intersection Improvement (Project 100312-10) in Banks, OR for required environmental and stormwater needs and permission for General Manager to sign paperwork **Bill moved to Approve the Property Donation to ODOT for the NW Main Street/NW Banks Road Intersection Improvement (Project 100312-10) in Banks, OR for required environmental and stormwater needs and permission for General Manager to sign paperwork. Kevin seconded and the motion passed unanimously.**

9. Discussion and Consideration of Board Duties and Responsibilities Policy Manual. **Bill moved to approve the final draft of the Board Duties and Responsibilities Policy Manual. Kevin seconded and the motion passed unanimously.**
10. Removed from agenda at meeting, not required. - Discussion and consideration of amending POTB Resolution 2018-2019 #3 Fee Schedule with updated costs per the Road Maintenance Fee Ordinance #8
11. Commissioner updates and written reports
 - a. Tillamook Lightwave
 - i. Discussion and Consideration of the Port's withdrawal from Tillamook Lightwave and Approval for the Board President to sign. At the last TLW meeting, the attorney for TLW approved the Port's withdrawal agreement and suggested creating a nonprofit with a board of directors instead of adding a private party as a third member to the IGA. Sierra suggested creating a special district instead and the attorney was encouraging about the idea. The agreement could potentially be finalized, and payment received by the Port in as soon as 60 days. **Bill moved to approve the Port's withdrawal from Tillamook Lightwave and Approval for the Board President to sign the paperwork. Jack seconded and the motion passed 4-1, Matt Mumford opposed.**
 - ii. Discussion and Approval of TLW Contract with Aldrich for the valuation of TLW. **Bill moved to Approve the TLW Contract with Aldrich for the valuation of TLW. Jack seconded and the motion passed unanimously.**
 - b. Salmonberry Trail Intergovernmental Agency (STIA) See Item #3
12. Communications
 - a. General Manager vacation – October 5-16, 2023
 - b. Wednesday, October 25, 2023, 6:00 pm Board Meeting (4th week) – Matt expects to attend by Zoom.
 - c. Friday, November 10, 2023, Closed for Veteran's Day
 - d. Wednesday, November 15, 2023, 6:00 pm Board Meeting
 - e. Thursday and Friday, November 23 & 24, Closed for Thanksgiving
 - f. Wednesday December 20, 2023, 6:00 pm Board Meeting
 - g. Monday, December 25, 2023, Closed for Christmas Holiday
13. Executive Session per ORS 192.660(2)(e) to conduct deliberations with person designated by the governing body to negotiate real property transactions. Recessed Regular meeting @ 7:41 and entered Executive Session @ 7:46 after 5 minute break. Exited Executive Session and reconvened Regular Meeting @ 9:02.

14. The board returned to the Consent Agenda. **Jack made a motion to approve Item 4e after asking if the improvements in the provided photo were new. They were not, they were done by the previous owner. Bill seconded and the motion passed unanimously.**
15. The board provided direction to staff regarding Consent Items 4c and 4d. Michele will connect with the easement requestors and offer a long term easement with a 45 year term plus 2 twenty year extensions to coincide with the Port's STIA Agreement, as well as requiring the lessee to cover all standard fees, including an additional restriction or deed covenant to verify the property ownership.
16. Michele noted that the Department of Justice "taking" case has not settled and that the Port was informed that a trial date has been set for February 2024.
17. Adjourned @ 9:09 p.m.