

**Port of Hood River Commission
Meeting Minutes of February 19, 2013 Regular Session
Marina Center Boardroom
5:00 P.M.**

THESE MINUTES ARE NOT OFFICIAL until approved by the Port Commission at the next regular meeting.

Present: Commissioners Jon Davies, Fred Duckwall, Rich McBride, Brian Shortt, Hoby Streich; Attorney Jerry Jaques; from staff, Michael McElwee, Stephen Burdick, Fred Kowell, Mellissa Halseth, Liz Whitmore and Rob Arnold

Absent: None

Media: None

1. CALL TO ORDER: President Jon Davies called the meeting to order at 5:00 p.m.

a. Modifications, Additions to Agenda: Move the following Consent Agenda items to Action Items for discussion: Sewage Grinder Pumps and Check Signing Authorization.

2. PUBLIC COMMENT: None.

3. CONSENT AGENDA:

- Approve Minutes of February 5, 2013 Regular Session Meeting
- Authorize Petty Cash Fund
- Approve Purchase of Phone System from Gorge Net in the Amount of \$1,780
- Authorize Revised Addendum No. 1 to the John and Julie Benton Lease to Adjust the Amount of Leased Land and Rent
- Authorize a Contract with Guzman Brothers Mobile Repair & Towing for Towing Service
- Approve Renewals to Glider Concession Agreements for 2013 with NW Skysports and Cascade Soaring for 2013
- Authorize Contract with Pronto Plumbing Service for the Fabrication and Installation of Two Sewage Grinder Pumps in an Amount Not to Exceed \$11,160.07 Plus Electrical Done by Others for the Swim Beach Restrooms
- Approve Resolution No. 2012-13-2 Closing the CenterPointe Community Bank Account
- Approve Resolution No. 2012-13-3 Approving Check Signing Authorization
- Authorize a Contract with Capitol Asset & Pavement Services, Inc. for Pavement Evaluation in an Amount Not to Exceed \$4,99

Motion: Move to approve Consent Agenda as amended

Move: Streich

Second: Duckwall

Vote: **Aye:** Davies, Duckwall, McBride, Shortt and Streich

MOTION CARRIED

4. Commissioner, Committee Reports:

- SDAO Conference – Commissioner McBride reported on the February 7-9 conference in Portland. There was board training and was overall a good conference.
- Urban Renewal Agency – Commissioner Streich reported on the February 11 meeting. The agency approved the IGA and loan consolidation with the Port at a 2% interest rate. The agency also approved the bid process for the parking in front of the Waterfront Park. Construction is anticipated to begin in April.
- PNWA – Commissioner Shortt reported on the conference that was held in Portland. There was discussion that the barge companies are complaining about how they have to make "S" turns to avoid the Hood River Delta and the White Salmon Delta. There was also discussion that the Harbor Maintenance Fund is not currently being used for maintenance.

5. DIRECTOR'S REPORT: McElwee highlighted the following areas:

- Schedule – Davies and McElwee will be attending the Mission to Washington during the March 5 meeting. Consensus was to keep the meeting scheduled and Commission McBride will run the

meeting. The Commission reviewed the proposed Budget and Spring Planning schedule. Commissioner Duckwall will be absent for the June 18 meeting. The budget committee will be invited to Spring Planning and also offered a property tour. Staff will prepare a draft agenda for two separate property tours: one for the Commission and one for the Budget Committee.

- Waterfront Recreation – An individual is interested in setting up a winching system on the east side of the spit road. Consensus was to wait for further discussion until a proposal is made by the individual. Big Pappas is requesting an OLCC permit for the food vendor location at the Jensen lot, which would require fencing. Consensus was to not allow sales of alcohol at the Jensen lot and to keep all alcohol sales on the Cruise Ship dock.
- Waterfront Development – Pocket Fuel tenant improvements are out for bid, results will be back for the March 5 meeting.
- Bridge/Transportation – Staff intends to have a draft Toll House manual available for the March 5 meeting.

6. REPORTS, PRESENTATIONS AND DISCUSSION ITEMS:

- Lot 1 (Next Steps) – McElwee outlined the proposed path for Lot 1 over the next year. Heather Staten commented on the proposed path and suggested contacting Steve Stampfli at the Hood River Watershed regarding riparian enhancement. Linda Maddox stated that she is hesitant to move forward so fast on Lot 1. She is worried about traffic counts with the other waterfront buildings being built and she suggests waiting until things steady in the area. Consensus was to move forward cautiously and possible move further design work into 2014.
- Federal and State Advocacy – The Commission discussed the various topics that Davies and McElwee should discuss with representatives in Washington DC. Consensus was to move forward with federal issues. McElwee requested that the Commissioners provide staff with any additional bills that should be monitored. Davies requested that McElwee ask the City to join the coalition for Ball Janik.
- Asset Condition Evaluations of Airport, Industrial & Commercial Buildings – Steve Burdick, Development Manager gave an overview of the assessment process of Port owned properties. With the assistance of Rob Arnold and the Maintenance Department, Burdick prepared binders that listed specific assessments for each property. Burdick requested that the Commission review the binders before the March 5 meeting when they will be discussed further. Staff will make any budget recommendations.
- Interstate Bridge Deck Weld Repair and Monitoring – Burdick explained that the joints within the steel decking on the bridge have experienced cracking, a problem that requires Port staff time to re-weld the joints flagging staff time. The design of the deck welding is “puddle” welds and these joints flex as traffic travels over the bridge and eventually break. The manufacturer of the decking is out of business. David McCurry, HNTB has assisted with a specific program for testing and selecting alternate types of welds. This program includes staff training at the community college. Davies requested that legal counsel research an insurance claim. Staff will bring an amendment to the HNTB contract at the March 5 meeting.

7. ACTION ITEMS:

a) Approve Adjustment to Adopted Budget Document to Agree with Budget Resolution No. 2011-12-3: A mathematical error was discovered for the FY 2012-13 budget in the audit of the FY 2011-12 finance statements. This correction will not impact the total appropriations adopted by the Commission.

Motion: Move to Approve Adjustment to Adopted Budget Document to Agree with Budget Resolution No. 2011-12-3

Move: Duckwall

Second: Shortt

Vote: **Aye:** Davies, Duckwall, McBride, Shortt and Streich

MOTION CARRIED

b) Approve Urban Renewal Agency Financing Agreement: McElwee thanked Streich for moving forward the IGA and refinancing agreement with the Urban Renewal Agency.

Motion: Move to Approve Urban Renewal Agency Financing Agreement

Move: Shortt
Second: McBride
Vote: **Aye:** Davies, Duckwall, McBride, Shortt and Streich
MOTION CARRIED

c) Authorize Contract with Pronto Plumbing Service for the Fabrication and Installation of Two Sewage Grinder Pumps in an Amount Not to Exceed \$11,160.07 Plus Electrical Done by Others for the Swim Beach Restrooms: McBride asked if there was a more standard and less expensive pump that could be used. Arnold explained that there were no other options because it was a custom installation and had to pump a long distance.

Motion: Move to Authorize Contract with Pronto Plumbing Service for the Fabrication and Installation of Two Sewage Grinder Pumps in an Amount Not to Exceed \$11,160.07 Plus Electrical Done by Others for the Swim Beach Restrooms
Move: McBride
Second: Duckwall
Vote: **Aye:** Davies, Duckwall, McBride, Shortt and Streich
MOTION CARRIED

d) Approve Resolution No. 2012-13-3 Approving Check Signing Authorization: According to ORS checks require two signatures. This would authorize additional staff to sign checks. Staff will produce the check register to the Board Treasurer for review before meetings. The check register will be available for any Commissioner to view.

Motion: Move to Approve Resolution No. 2012-13-3 Approving Check Signing Authorization
Move: Duckwall
Second: McBride
Vote: **Aye:** Davies, Duckwall, McBride, Shortt and Streich
MOTION CARRIED

8. COMMISSION CALL: Shortt said that he thought the Port was at the highest capacity of staff and thought it was great. Streich agreed. Duckwall congratulated McElwee for having the patience to put it all together.

9. EXECUTIVE SESSION: Regular Session was recessed at 7:33 p.m. and the Commission was called into Executive Session under ORS 192.660(2)(e) Real Property. The Commission was called back into Regular Session at 8:04 p.m. There was no action as a result of Executive Session.

10. ADJOURN: President Davies adjourned the meeting at 8:04 p.m.

Respectfully submitted,

Mellissa Halseth

ATTEST:

Jon Davies, President, Port Commission

Hoby Streich, Secretary, Port Commission

Commission Memo

To: Commissioners
From: Steve Burdick
Date: March 5, 2013
Re: Big 7, Hood River Electric Coop Utility Easement

Hood River Electric Coop ("HREC") needs to run an underground utility line(s) across the lower parking lot on the North side of the Big 7 Building to the CenturyLink building.

The attached easement is a non-exclusive easement. There is no fee for the easement. HREC is required to repair the asphalt in the parking lot to its condition prior to the trench cut.

Staff recommends approval of the easement.

RECOMMENDATION: Authorize a utility easement with the Hood River Electric Coop on the north side of the Big 7 Building.

AFTER RECORDING RETURN TO:
JAQUES, SHARP, SHERRERD, FITZSIMONS & OSTRYE
Attorneys at Law
205 3rd Street
Hood River, OR 97031

UNTIL A CHANGE IS REQUESTED
MAIL ALL TAX STATEMENTS TO:
No Change

Tax Account No: 3N 10E 25CD 100

True and Actual Consideration: None

UTILITY EASEMENT

This agreement made this 6th day of March, 2013, between **Port of Hood River**, a municipal corporation of the State of Oregon, hereinafter Port, and **Hood River Electric Cooperative**, an Oregon cooperative corporation, hereinafter HREC.

1. Port hereby grants and conveys to HREC a perpetual, non-exclusive easement for installation and maintenance of underground fiber optics lines and related appurtenances. The lines will be installed at least 3 feet underground. The easement will be ten feet in width, approximately thirty feet from the North face of the Big 7 building located on Parcel 3 of Partition Plat No. 9817, recorded June 29, 1998, Hood River County, Oregon, Records No. 9817. HREC will provide as-built drawings accurate to within twelve inches within fourteen days of the installation of the lines. The as built location shown on the drawing will become the center line of the easement.

2. HREC will coordinate the installation of its lines with other wired utility companies providing service in the City of Hood River.

3. HREC may enter the easement to inspect and make repairs, changes, alterations, and improvements to its lines in the future provided that after any future work in the easement area the ground surface will be restored to its condition prior to the commencement of the work, including repaving and patching the asphalt or other surface installed in the parking lot.

4. After initial installation the utility trench will be compacted and patched with new asphalt at least four inches in depth and level with the existing surface.

5. All work by HREC in the easement area will be performed by HREC at its own expense. All such work will be performed in a prompt and workmanlike manner with all reasonable efforts made to minimize disruption in use of the parking lot and property. To the extent possible work will be performed on weekends or before or after normal business hours.

6. This easement is granted subject to all prior easements, rights and encumbrances of record, provided however, Port represents that the easement area is free and clear of all monetary encumbrances.

7. This agreement shall be binding upon the parties, their respective successors and assigns and shall run with the land.

8. Failure at any time to require performance of any provision of this agreement shall not limit a party's right to enforce the provision. Any waiver of any breach of any provision shall not be a waiver of any succeeding breach or a waiver of any provision of this agreement.

9. HREC agrees to indemnify and hold Port harmless from any damage caused to any improvement on the Port property by the installation and/or maintenance of the lines, and from any injury or damage to persons or property arising out of HREC's work in or around the easement area or from HREC's exercise of its rights under this agreement.

10. In any litigation arising under this easement, the prevailing party shall recover from the losing party reasonable attorney fees as determined by the Court.

11. Port may, upon no less than sixty days written notice to HREC, require relocation of the fiber optics lines and of the easement. HREC agrees to move the lines to another location on the property at Port's request and at Port's expense, which will include preparation of a revised legal description and drawing for this easement.

DATED on the year and date first written above.

Port of Hood River

Hood River Electric Cooperative

By: _____

Michael McElwee, Executive Director

By: _____

Title: _____

STATE OF OREGON)

) ss.

County of Hood River)

This instrument was acknowledged on _____, 2013, by Michael McElwee, Executive Director of the Port of Hood River, a municipal corporation, who acknowledged due execution of the foregoing instrument on behalf of the port of Hood River.

Notary Public for Oregon
My commission expires: _____

Commission Memo

To: Commissioners
From: Steve Burdick
Date: March 5, 2013
Re: Airport Underground Right of Way Easement for Pacific Power

On February 22, 2013, the Port and Pacific Power entered into a request for work agreement to replace the overhead power lines with underground power lines. Pacific Power requires a right of way easement in which to locate the underground lines. It is a perpetual easement on airport property without compensation.

Staff recommends authorization of this easement.

RECOMMENDATION: Authorize the underground right of way easement at the airport with Pacific Power.

Return to: Pacific Power
1290 Tucker Road
Hood River, OR 97031

CC#: 11211 WO#: 005662869

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, *The Port of Hood River* ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns ("Grantee"), a perpetual easement for a right of way 10 feet in width and 1,440 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of Grantee's underground electric distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: wires, fibers, cables and other conductors and conduits therefore; and pads, transformers, switches, cabinets, vaults on, across, or under the surface of the real property of Grantor in *Hood River* County, State of *Oregon*, as more particularly described as follows and/or shown on Exhibit(s) A attached hereto and by this reference made a part hereof:

A portion of:

PARCEL A: Beginning at a point on the section line 1969.5 feet south of the Northwest corner of Section 11, Township 2 North, Range 10 East of the Willamette Meridian, running thence Easterly with an angle of 90° 14' eighty rods; thence Southerly with an angle of 90° 14', Twenty rods; thence Westerly with an angle of 89° 46', eighty rods; thence North on section line 20 rods to the place of beginning, containing ten acres, more or less, excepting therefrom the North half of the West half of said tract heretofore deeded Grant M. Thalen. Deed from James D. Crapper et. ux., recorded March 18, 1946, in Book 32, page 486, instrument No. 67-15, Deed Records.

Assessor's Map No.: 02N10E11A-2200

Parcel No.: 02N10E11A-2200

Together with the right of ingress and egress for Grantee, its contractors, or agents, to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefore) the future right to keep the right of way clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

At no time shall Grantor place or store any flammable materials (other than agricultural crops) or light any fires, on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by the Grantee, with the purposes for which this easement has been granted.

PROPERTY DESCRIPTION

Section: 11, Township: 02N , Range: 10 E, Willamette Meridian,
 Hood River County, State of Oregon.
 Map / Tax Lot or Parcel No.: 02N10E11A-2200



CC#: 11211WO#: 5662869
 Landowner Name: Port of Hood River
 Drawn by: Tracy C.

This drawing should be used only as a representation of the location of the easement area. The exact location of all structures, lines and appurtenances is subject to change within the boundaries of the described easement area.

EXHIBIT A



Commission Memo

To: Commissioners
From: Fred Kowell
Date: March 5, 2013
Re: Collection Accounts Written-off

The Port from time to time experiences accounts receivables that are no longer collectible. The Port uses Columbia Credits Inc. to handle our collection activity after Port staff have pursued collection from the customer.

The following list of customers are related to bridge ticket purchases from bad checks that are now uncollectible, such that they will be written off our books of record.

Acct #	Listed Date	Balance	Status
247425	05/26/06	\$ 75.00	Cancel
215329	04/30/04	40.00	Inactive
233103	04/30/04	75.00	Currently uncollectible
242325	05/18/05	40.00	No Skip Trace
279227	05/26/06	75.00	Inactive
279236	05/26/06	40.00	Inactive
226773	05/18/05	75.00	Inactive
216130	04/30/04	40.00	Inactive
		<u>\$ 460.00</u>	

RECOMMENDATION: Authorize uncollectible debt in the amount of \$460.00 to be written off.

Commission Memo

To: Commissioners
From: Fred Kowell
Date: March 5, 2013
Re: Budget Committee Memberships

Two vacancies on the Budget Committee were created when David McCullough and Jerry Keith stepped down last year. McCullough's term expired on June 30, 2012 and Keith's term would have expired this year. These vacancies were advertised last year with one applicant responding. The Commission chose not to make any appointments at the time and directed staff to re-advertise in 2013. When the vacancies were advertised in mid-February, staff also contacted individuals who had previously expressed an interest in serving on the Committee.

Larry Brown, who applied in 2011, would like to be reconsidered for an appointment; Rich Truax has submitted an application for consideration; and Forrest Rae, who applied in 2012, declined to be reconsidered at this time.

Staff recommends waiving the interview process and appointing Brown and Truax to fill the two vacancies.

Additionally, John Benton's term will expire June 30, 2013 and he has agreed to serve for three more years. Benton has been a valuable asset to the Budget Committee and staff would recommend that he be re-appointed for an additional term that would expire June 30, 2016.

Unexpired terms include John Everitt (06/30/14) and Jeff Nicol (06/30/15).

RECOMMENDATION: Appoint Rich Truax to the Port of Hood River Budget Committee for a three-year term expiring June 30, 2015; and appoint Larry Brown to the Port of Hood River Budget Committee for a three-year term expiring June 30, 2016.

RECOMMENDATION: Re-appoint John Benton to the Port of Hood River Budget Committee for a three-year term expiring June 30, 2016.

RECEIVED
FEB 26 2013

**PORT OF HOOD RIVER
BUDGET COMMITTEE APPLICATION**

Please print - use back if needed

NAME: Rich Truax

ADDRESS: 958 Hood View Ct. Hood River, OR. 97031

Email truax.rich@gmail.com


PHONE: 541-490-4223 FAX: /

(You must be a registered voter residing in the Port District.) Yes

Government committees/commissions/boards/civic/service organizations
on which you have served: President of Cooper Spur Race Team Board 2006-2012
Hood River School Bond Committee - Citizen Group
Boy Scouts, Youth Soccer

Please state in concise terms any relevant experience you may have and
explain why you would like to serve on the Port of Hood River Budget
Committee:

Oregon licensed professional engineer. Environmental
consulting engineer for 25 years. Manager responsible
for project budgets ranging from \$25K to \$1M+.
Understand concepts + complexity of budgets, schedules,
permits, design impacts, stakeholder goal ranges.
Strong verbal, written, + electronic communication ability.
8-year resident of community, wanting to "give-back"
"do my part" "find effective solutions in group". Interested in Port.


Signature

2/24/13
Date

3-1-11 (not appointed)

App still current.

**PORT OF HOOD RIVER
BUDGET COMMITTEE APPLICATION**

Please print - use back if needed

RECEIVED
FEB 22 2011

NAME: LARRY BROWN

ADDRESS: 5725 BERRY Rd, PARKDALE 97041

Email BINFORDBROWN@HREC.NE

PHONE: 541-352-3519

FAX: _____

(You must be a registered voter residing in the Port District.)

Government committees/commissions/boards/civic/service organizations on which you have served: _____

BOARD MEMBER - CRYSTAL SPRINGS WATER DISTRICT

Please state in concise terms any relevant experience you may have and explain why you would like to serve on the Port of Hood River Budget Committee:

1. PUBLIC AND PRIVATE REAL ESTATE DEVELOPMENT AND FINANCING - INCLUDING LAND ACQUISITION AND INFRASTRUCTURE DEVELOPMENT, INDUSTRIAL PARK DEVELOPMENT AND PARK AND OPEN SPACE DEVELOPMENT.

2. PUBLIC SECTOR PROJECT AND PROGRAM BUDGETING AND FINANCING.

Larry Brown
Signature

February 22, 2011
Date