

Port of Cascade Locks

The Port of Cascade Locks Commission Meeting was held Thursday, December 18, 2014 at the Community Center, House 3, Marine Park, Cascade Locks, OR 97014.

1. **Meeting called to order/ Pledge of Allegiance:** Commission President Groves called the meeting to order at 6:03 pm.
2. **Roll Call:** Commissioners Groves, Mohr, Caldwell, Cramblett & Haight were in attendance.
 - **Others Present:** IGM Paul Koch, Port Attorney Tommy Brooks, Sally Moore, Melissa Warren, Don Mann, Holly Howell, Mayah Frank and City Administrator (CA) Gordon Zimmerman.
3. **Declaration of Potential Conflicts of Interest:** Commissioner Cramblett declared a potential conflict of interest, stating she is employed at the Portland Spirit. Commissioner Caldwell declared a potential conflict of interest stating her brother, Tom Cramblett is employed at the Portland Spirit.
4. **Modifications, Additions to Agenda:** IGM Koch stated action item 7c, the letter of support to the City for the cross water transfer will be discussed. He added the Port Commission would like to discuss the conditions of the Business Park subdivision plat in Executive Session if necessary.
5. **Items from the floor: (Special presentations, outside resource presentations and other reports not requiring action).**
 - a. **Commission Member Comments:** Commissioner Cramblett stated she would like to see more lighting on the east side of the Community Center in Marine Park. She suggested some sort of a motion floodlight, as it is very dark on that side of the building. Commissioner Caldwell stated the Port staff and Commissioners Christmas lunch was very nice.
 - b. **Reports & comments from Government Officials** – City Administrator Gordon Zimmerman stated he was available to answer any questions about 7c., the City request for water rights cross transfer.
 - c. **Comments from the General Public - None**
6. **Consent Agenda (Consent Agenda may be approved in its entirety in a single motion). Items are considered to be routine, Any Commissioner may make a motion to remove any item from the Consent Agenda for individual discussion.**
 - a. Approval of Minutes dated November 6, 2014 and November 20, 2014.
 - b. Approval of Bills in the amount of \$152,386.31
 - c. Approval of September 2014 payroll in the amount of \$41,570.91

COMMISSIONER MOHR MADE A MOTION TO APPROVE THE CONSENT AGENDA AS STATED. COMMISSIONER CALDWELL SECONDED THE MOTION. Motion passed unanimously by Commissioners Mohr, Groves, Haight, Caldwell and Cramblett. 5-0
7. **Commission Business Action Items:**

- a. **Adopt new reservation policy and fees – IGM Koch** proposed rescinding Resolution No. 2002-1, which established policy governing use of certain Port facilities; and to adopt Resolution No. 2014-7, creating new fees, policies and procedures to take effect on January 1, 2015. CP Groves asked about the possible boat launching fee and the Marina fees. IGM Koch stated he has contacted the State Marine Board and has not heard back yet. Commissioner Mohr asked if the sound equipment rental was added. Staff Howell stated it would be added. CP Groves asked if a line for miscellaneous could be added. IGM Koch stated looking at the cost of a high quality sound system will be looked at.

After a brief discussion, two items were changed in the proposed policy and procedures form they were to: delete sentence four in Category 3 Users “Commercial Filming and Advertising. Sentence two was changed from “Scale of commercial use and exclusion of other users may incur additional fees”, to say “Scale of commercial use and exclusion of others may incur non local rate for all facilities.”

COMMISSIONER MOHR MOTIONED TO ADOPT RESOLUTION 2014-7, RESCINDING RESOLUTION NO. 2002-1; AND CREATING NEW FEES FOR FACILITIES RENTALS AND ESTABLISHING NEW POLICY AND PROCEDURES, TO BE EFFECTIVE JANUARY 1, 2015 WITH THE IDENTIFIED MODIFICATIONS. SECONDED BY COMMISSIONER CALDWELL. The motion passed by Commissioners Mohr Groves, Haight, Cramblett and Caldwell. 5-0.

Staff Howell added that letters to customers will go out to announce the new policies and fee structure. It will be publicized in the newsletter as well as Facebook. Inquiries and questions will be directed to IGM Koch or Staff Howell.

Commissioner Haight asked about other communities using the “Bridge of the Gods” moniker for non-Cascade Locks events. Port Attorney Brooks stated he would look into intellectual property laws regarding the use of the name “Bridge of the Gods” CP Groves suggested at least people should ask permission to use the moniker “Bridge of the Gods”. IGM Koch stated staff will research this issue, and added it is important to tie Cascade Locks with other local communities and their events.

- b. **Set January 8, 2015 as date for January work session**, as January 1, 2015 is a holiday. IGM Koch recommended the Port Commission Meeting date be changed to January 8, 2015. It will be held at the Community Center in Marine Park, Port of Cascade Locks. At 5:15pm.

COMMISSIONER MOHR MADE A MOTION TO MOVE THE JANUARY 1, 2015 TO JANUARY 8, 2015. SECONDED BY COMMISSIONER CALDWELL. The motion was passed unanimously by Commissioners Mohr, Groves, Haight, Caldwell and Cramblett. 5-0.

- c. **Action to support City request for water rights cross transfer:** IGM Koch presented the letter of support to be sent to the City of Cascade Locks that supports the new proposed water rights cross transfer, to be signed by President Groves.

COMMISSIONER HAIGHT MADE A MOTION OF SUPPORT OF THE CITY'S REQUEST, AND AUTHORIZE THE PRESIDENT TO SIGN A LETTER INDICATING PORT SUPPORT FOR THE WATER RIGHTS CROSS TRANSFER. SECONDED BY COMMISSIONER CALDWELL. The motion was passed unanimously by Commissioners Mohr, Groves, Haight, Cramblett and Caldwell. 5-0.

8. Staff Reports:

- a. **Interim General Managers Report:** IGM Koch reported the Commission received a letter from Travelers Insurance stating the dolphin damage claim was denied, due to "normal wear and tear". Tommy stated that litigation at proving it was not normal wear and tear, would be very expensive. IGM Koch stated that the new dolphin will need fenders around it to protect it. This should be the responsibility of the Portland Spirit. The Port received approval from the Army Corp of Engineers today for the installation of the dolphin contract. Mark's Marine will install the new dolphin in the middle of February 2015. The estimate to replace the dolphin is \$52,450.00. IGM Koch stated that the Port is waiting for short haul vehicles sign to be done. It may be early summer before they are placed on the Bridge of the Gods. A One Gorge meeting will be on January 14, 2015 at 3pm. All Commission members are encouraged to attend.
- b. **Economic Development Update** – Economic Development Manager Don Mann gave an update on recent developments in the Business Park. The Puff Factory Letter of Intent was sent to the Puff Factory, and neither Port Attorney Brooks nor the Port has had any response. He stated there are numerous inquiries into renting the Flex Building and the need to move forward is imperative. CP Groves stated discussion on this will be put on next month's agenda as an action item to decide if the Port will move forward with other opportunities regarding the Flex Building. A letter will be sent out asking their intentions and letting them know that there are other inquiries into the Flex Building. Don stated they will continue to attempt to reach their attorney or Jacqueline Alexander. Port Attorney Tommy Brooks stated there was not a need to recess into Executive Session regarding the Nestlé First Right of Offer. The proposed First Right of Offer gives Nestlé the first right to purchase property, and takes the property off of the market. They will pay the Port \$15,000. They have the option of First Right of Refusal in the second year for an additional \$15,000. This would allow Nestlé the option to be offered the property before anyone else, and give them the right of refusal or purchase.

Nestle Right of First Offer Agreement

Commissioner Caldwell moved TO AUTHORIZE, ACCEPT AND EXECUTE THE RIGHT OF FIRST OFFER BETWEEN NESTLÉ WATERS NORTH AMERICA, INC. (NWN, Inc.) AND THE PORT OF CASCADE LOCKS, TO AUTHORIZE PRESIDENT GROVES TO SIGN ON BEHALF OF THE PORT OF CASCADE LOCKS AND FURTHER TO EXECUTE IT WITH MODIFICATIONS TO THE MAP KNOWN AS EXHIBIT A THAT STAFF HOWELL WILL PROVIDE. SECONDED BY COMMISSIONER CRAMBLETT. The motion was passed unanimously by Commissioners Groves, Haight, Caldwell, Mohr and Cramblett. 5-0.

9. Recess into Executive Session under ORS 192.660 2 (h) Legal Counsel

a. Nestlé Right of First Offer Agreement

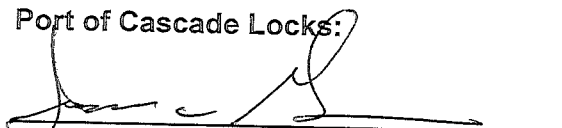
10. Any Action as a result of the Executive Session – The Commission did not recess into Executive Session.

IGM Koch introduced the topic of the conditions for approval on the Port's Business Park sub-division plat. He stated the Commission needs clarity, what the terms mean, and what the limitations may be. The Commission will set up a Special Session to further discuss the conditions of approval for the plat that was approved last week by the Planning Commission. This Special Session will be held in January 2015 with Port Attorney, Tommy Brooks and City Planner, Stan Foster. The Commission would like more clarification where the public access will be in the Business Park. Staff Howell stated the City provided the draft staff report a few weeks before the public hearing. These conditions were developed during the planning commission public meeting to provide a walking space on Port property along Herman Creek only. The Port Commission would like to ensure that property sales are not encumbered because of a walking trail through private property. Commissioner Mohr said item number four on the listed conditions is a concern. CA Zimmerman stated the intent will not be changed, but the language may. It states "The Port will take steps to ensure that "Connect Cascade Locks" Plan which is part of the City Comprehensive Plan designating bike paths and bikeways are clearly marked and protected from proposed development within the Port Industrial Park." CA Zimmerman explained that roads in the public right of way will have sidewalks for walking and a bike lane. It does not impact private property. It has designated bike access to public areas. There will also be signage on the public right of way, not on private property. Preserving the public access is the plan stated IGM Koch. CA Zimmerman stated there has to be a bike lane on the public right of way. CA Zimmerman's suggestion was to ask for clarification of language from the Planning Commission.

President Groves expressed the Port's deepest sympathy to Wayne Kingley's family. He was the chairman of the Portland Spirit. A bouquet of flowers was sent to Joan Kingsley, wife of Wayne, to the Portland Spirit office.

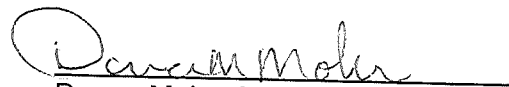
11. Recess/Adjournment: Commission President Groves adjourned the meeting at 8:56PM.

Port of Cascade Locks:



Jess Groves, President
Port Commission

Attest:



Donna Mohr, Secretary Treasurer
Port Commission

DATE APPROVED: 1-15-15
Prepared by: Sally Moore