

**MINUTES  
PORT OF PEND OREILLE  
BOARD OF COMMISSIONERS MEETING  
Date: August 15, 2017**

Chairman Shanklin called the meeting of the Port of Pend Oreille Board of Commissioners to order at 9:02 a.m. in the Port office located at 1981 Black Road, Usk, Washington. In attendance: Chairman Shanklin, Secretary Harkness and Port staff members Kelly Driver, Cliff Bauer, Brad Byrd and Susan Bluff. Also in attendance were Port attorneys William Schroeder and Anne Schroeder.

**For purposes of clarification, the minutes are presented as listed on the agenda, not necessarily in the order they were discussed.**

**MINUTES:** Commissioner Harkness moved to approve the minutes of the regular meeting held on July 18, 2017 as presented. Motion seconded and so ordered by Chairman Shanklin.

**COMMENTS:** None at this time.

**EXECUTIVE SESSION:** At 9:04 a.m. Chairman Shanklin recessed the regular meeting calling for an executive session to discuss pending litigation matters with the Port's attorneys. At 9:55 a.m. Chairman Shanklin brought the regular meeting back to order stating no decisions were made in executive session.

Based on discussions in the executive session Commissioner Harkness moved to authorize Kelly Driver to act on behalf of the Board and the Port at the mediation hearing in Seattle. Motion seconded and so ordered by Chairman Shanklin.

**OLD BUSINESS:**

**1. BRIDGE INSPECTIONS:**

**A. DISCUSSION:** As-built plan information was obtained from BNSF and provided to DEA. Diving should take place next week and the load capacity information should be received by the first part of September.

**2. BLAST BOOTH:**

**A. DISCUSSION:** Progress is being made on the building. Rails are in and the slab is to be poured on Friday. Contractor is having trouble finding workers; union halls are empty.

**B. ACTION:** No action required.

**3. ROTARY TRAIN RIDES:**

**A. DISCUSSION:** First Rotary train rides were made this past weekend. All went well. Compliments from the Rotary on the train crew handling of the train.

**4. TOWN OF CUSICK/KALISPEL COMMERCE PARK:**

**A. DISCUSSION:** Cliff and Kelly met with members of the Tribe and representatives from Garco and Parametrix as well as PUD personnel. Because the Calispell Pumping Station is a part of the FERC relicensing area of Box Canyon Dam any changes to the dam must be approved by federal agencies. Additionally, the Tribe wanted fish passage through the Calispell Pumping Station which would interfere with the request for sewer lines. Issues must be reviewed and approved at the federal level before they can go further. Representatives from the Tribe will be meeting with Port staff next week for further discussions on this.

## **5. PERSONNEL POLICY /RESOLUTION 2017-02:**

**A. DISCUSSION:** Final draft reviewed with the updated Table of Contents.

**B. ACTION:** Commissioner Harkness moved to approve the Personnel Policy with an effective date of September 1, 2017 and Resolution 2017-02 adopting said policy. Motion seconded and so ordered by Chairman Shanklin.

## **6. BACKHOE:**

**A. DISCUSSION:** Kelly updated the Board on changes to the backhoe situation from last month. Rowan has changed their minds based upon the inspection by AIS. They feel the only part of the backhoe that has been damaged is the boom and it has been completely replaced. The backhoe is being moved to Mitchell Equipment to inspect and repair/replace parts on the hyrail gear.

Big Sky Trucking, the broker for the movement of the machine, is stepping up and covering costs while it deals with the insurance company for the truck driver.

Discussion on warranty coverage.

## **7. CULVERT ISSUE NEAR DALKENA:**

**A. DISCUSSION:** Cliff and Donny found the highway side end of the culvert near the wetland area close to Dalkena. The state assisted with trying to unplug the culvert as they unplugged their State highway culvert that is across from it. Efforts to unplug the culvert were unsuccessful but the State will come back and try in a couple of weeks with a higher-powered truck.

## **8. OTHER OLD BUSINESS:**

None at this time.

## **NEW BUSINESS:**

### **1. CHANGE IN SEPTEMBER MEETING DATE AND TIME:**

**A. DISCUSSION:** Due to a conflict in schedules the September meeting date needs to be changed.

**B. ACTION:** Commissioner Harkness moved to reschedule the meeting to September 19<sup>th</sup> with the time remaining at 9 a.m. Motion seconded and so ordered by Chairman Shanklin.

### **2. FIRE DISTRICT 4 CONTAINER UNLOADING:**

**A. DISCUSSION:** Kelly reported that she and Corey were approached by Fire District 4 Chief, Nick Knaack, about using the railroad crane to unload a storage container for them.

**B. ACTION:** After discussing the possible liability issues as well as the unknown weight unloading to the side it was determined that the Port would have to deny this request. Kelly will inform Mr. Knaack.

### **3. OTHER NEW BUSINESS:**

#### **A. ASSOCIATION OF WASHINGTON BUSINESSES MEMBERSHIP:**

**1. DISCUSSION:** Discussion was held on a request to become a member of the AWB. Kelly will research information on what they offer as far a medical insurance coverage which could be very beneficial to the Port. Cost of the membership is \$1,000 per year.

**2. ACTION:** The Board gave their general consensus for the decision whether to join or not be with the Manager and what she finds out from the AWB.

## **STAFF REPORTS:**

### **1. ROADMASTER, CLIFF BAUER:** Cliff reported on:

- Grant work – Cliff reported that the first load of ties were quickly inserted. While they wait for more ties the crews have been pulling spikes, knocking of creepers and pulling out 500 more ties.

They have also worked on replacing crossings. Ten (10) carloads of ties are arriving today on a special train run out of Sandpoint.

- Crews did some ditching at MP 1.5 and 5.
- Chevron car cleaning project is finally underway.
- Crews replaced a cap on the Davis Creek bridge.
- Crews replaced crossing planks up north.
- WUTC inspections were made on walkways in Newport. Repairs were made and we are in compliance.

**2. MANAGER- KELLY DRIVER:** Kelly reported on:

- Meeting with Corey and Mike Manus on HiTest Sand train movements. Also, she and Corey were part of a conference call with HiTest and BNSF on unit train issues.
- She, Corey and Cliff attended a meeting in Priest River with the City, Bonner County and Stimson Lumber to discuss the possible upgrades to the loading site which means moving Stimson to the West side of Wisconsin Street. The City and County have a four-year deadline to get this project done or they will be required, as part of a lawsuit settlement, to buy out several parcels of riverfront property.
- LEPC meeting.
- Boundary Dam transformer movement.
- Employee accidents to date.
- Pend Oreille County Fair is this week. Plans are to purchase animals at the market sale to use for safety awards as allowed by Port policy.

**3. AUDITOR - SUSAN BLUFF:**

- Susan presented the financial report and car storage report information for the month ending July 31, 2017.

**4. CHIEF MECHANICAL OFFICER- BRAD BYRD:** Brad reported on:

- Painting a locomotive for Western Rail.
- US Sugar locomotive is finally here for work.
- Finishing a rebuild for Western Rail to sell.
- Savage locomotive to work.
- MRL is supposed to be sending another locomotive.

**5. TRACK FOREMAN – COREY IVES:**

- Not in attendance, out with track crews getting ready to unload ties.

**RECORDS FOR APPROVAL:**

**A. TIME AND EXPENSE SHEETS:** Approved as submitted.

**B. WARRANTS:** Operating Expense warrants 44362-44436 totaling \$142,007.06 were approved as submitted.

**INTERVIEW FOR COMMISSIONER VACANCY:**

One application for the vacancy for District 3 Commissioner was received from Ryan Kiss. Due to working on the forest fires in the county, Ryan's interview was completed by telephone to allow him to get back to work on the fires in a timely manner.

Motion made by Commissioner Harkness to appoint Ryan Kiss to fill the vacancy created by the resignation of Van Whysong. Motion seconded and so ordered by Chairman Shanklin.

**EXECUTIVE SESSION:**

A second executive session was not needed at this time.

**ADJOURN:** There being no further business Chairman Shanklin adjourned the meeting at 11:37 a.m.

  
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R. L. Shanklin, Chairman

  
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Kelly J. Driver, Manager

Date Approved:   
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