

**MINUTES
PORT OF PEND OREILLE
BOARD OF COMMISSIONERS MEETING
Date: March 10, 2020**

CALL TO ORDER:

Chairman Shanklin called the meeting of the Port of Pend Oreille Board of Commissioners to order at 9:00 a.m. in the Port office located at 1981 Black Road, Usk, Washington. In attendance: Chairman Shanklin, Vice Chairman Kiss, Secretary Peterson and Port staff members Kelly Driver and Susan Bluff. Also in attendance were Terry Driver and Curt Holmes. Arriving later in the meeting were Port General Counsel William Schroeder and Jane Brown from KSB Litigation.

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

MINUTES: Commissioner Peterson moved to approve the minutes of the regular meeting held on February 11, 2020 as presented. Motion seconded by Commissioner Kiss, so ordered by Chairman Shanklin.

CORRESPONDENCE TO THE BOARD: None at this time.

COMMENTS: Terry Driver and Curt Holmes gave public comment in response to Commissioner Peterson's presentation at the Pend Oreille Economic Development Council meeting at the Camas Center on February 19th. During his remarks to the EDC, Peterson characterized the relationship between farmers/loggers and the Kalispel Tribe in negative terms. Terry Driver commented that Peterson's remarks were inappropriate for a Public Official. Curt Holmes, who was in attendance at the EDC meeting, commented that although he had not been offended, Peterson's remarks had made him uncomfortable. Discussion followed, with both Driver and Holmes commenting that although there are areas of disagreement, the community is a family with many interrelationships. Commissioner Peterson thanked both for their comments and said he looks forward to cooperation between the Port and the Kalispel Tribe, especially in promoting economic development.

OLD BUSINESS:

1. Economic Development Council:

A. Discussion: Kelly received an update from Tyler Whitney from the PUD last week; \$70,000 of the \$90,000 in requested funds had been received. Concerns about the entire County being evaluated were discussed. Kelly will clarify with Tyler Whitney.

2. Other New Business:

A. Discussion: None at this time.

NEW BUSINESS:

1. Land Lease and License Fee Rates:

A. Discussion: General discussion was held regarding land lease and license fees on Port property.

B. Action: None required.

2. Kalispel Tribe of Indians Application for Storm Water piping:

A. Discussion: Kelly reported Cliff and Corey had met with Tribal employees on their request for storm water pipes to be bored under the tracks. The two locations for storm water were acceptable to Cliff and Corey. The application also requested utility crossings however the application did not indicate as to

what type of utilities these crossings were for. Staff recommendation is for the Board to approve the two (2) storm water pipes but not to approve the utility crossings until more information is received.

B. Action: Commissioner Peterson moved to approve the two (2) storm water permits as recommended by staff with the Tribe being responsible for any and all permitting that may be required by the Corps of Engineers and/or other agencies. Motion seconded by Commissioner Kiss, so ordered by Chairman Shanklin.

3. Lions Club Request for Additional Street Lighting:

A. Discussion: Kelly presented information on a request for the Lions Club to get engineering from the PUD on possibly upgrading and/or adding lighting at the depot area in Ione. The Port would have to apply for the permit as the landowner, but the Lions would pay the fee.

B. Action: The Board gave their approval by general consensus.

4. Surplus Property – 2007 Ford Escape:

A. Discussion: Kelly reported on-going issues with the Ford Escape; it is currently in the shop again. Staff has declared it surplus with an estimated value under \$10,000. This action is covered by Resolution 2019-03.

5. Resolution 2020-01- Credit Card Authorization:

A. Discussion: Kelly reported that Bank of America will be cancelling the Port's credit cards effective May 1, 2020 due to an internal audit which shows that the card holder is financially responsible for the balance instead of the Port. Kelly is working on the transition of cards to Mountain West Bank with County Treasurer Nicole Dice. A resolution and addendum are needed for the credit card company.

B. Action: Commissioner Kiss moved to approve Resolution 2020-01 as well as the addendum. Motion seconded by Commissioner Peterson, so ordered by Chairman Shanklin.

6. Other New Business:

A. Website Issues:

1. **Discussion:** Kelly reported an issue with POVN's web hosting which did not allow the agenda to be posted to the website as required. The agenda was posted in the office and will be posted to the website when it is up and running. She also reported that POVN will no longer be hosting websites as of the end of 2020 so she will be working on this matter.

B. File Destruction:

1. **Discussion:** Kelly reported that while going through files for purging an employee inadvertently took a box that was not to be destroyed. Missing are the box of 2018 and 2019-time sheets for all employees and Commissioners. It is not known if more files were taken and destroyed.

C. Fire District 4:

1. **Discussion:** Kelly met with Fire District 4 Chief Nick Knaack last week regarding RCW 52.30.020 related to contracting for fire protective services. She will continue to work on the issue and bring this back to the Board at a later date for discussion and action.

BOARD TRAVEL PLANS/ MEETINGS:

A. Discussion: Commissioner Shanklin will represent the Board at the EDC meeting on April 15th at Ione.

B. Action: No action required.

REPORTS:

1. Board of Commissioners:

Dan reported on the EDC meeting.

2. Roadmaster, Cliff Bauer: Absent, written report provided. (See attached)

3. Manager – Kelly Driver: Written report provided. (See attached)

4. Auditor – Susan Bluff:

- Susan presented the financial report information for the month ending February 29, 2020 and answered questions regarding the report. She is working on the annual report for the State Auditor.

5. Chief Mechanical Officer-Brad Byrd: Absent- no report.

6. Track Foreman – Corey Ives: Absent, written report provided (See attached).

Records for Approval:

A. Time and Expense Sheets: Approved as submitted.

B. Warrants: Operating Expense warrants 48152-48266 totaling \$219,557.22, approved as submitted.

Board Workshop: Comprehensive Plan discussed; staff will provide information for the April meeting.

Executive Session: At 10:35 a.m. Chairman Shanklin recessed the regular meeting to convene in executive session to discuss potential litigation. Port attorneys William Schroeder and Jane Brown met with the Board and Manager.


At 11:17 a.m. Chairman Shanklin brought the regular meeting back to order stating no decisions were made in executive session.

As a result of the executive session, Commissioner Kiss moved to authorize Mr. Schroeder and Kelly to negotiate on the Port's behalf. Commissioner Peterson abstained from voting due to previously serving on the PUD Board of Commissioners. Motion seconded and so ordered by Chairman Shanklin.

Adjourn: There being no further business Chairman Shanklin adjourned the meeting at 11:20 a.m.



Ryan Kiss, Vice Chairman



Kelly J. Driver, Manager

Date Approved: 05-12-2020

Attachment – Staff Reports

March 10, 2020 Staff Report from Cliff, Kelly and Corey –

Cliff:

- Rail grant – rail should be shipping the end of the month and arriving in early April.
- Crews have been doing tie replacement on the Sandpoint side.
- Sinkholes between Albeni Falls and Priest River have been raised, tamped and lined.
- Crews continue brush cutting as time allows.

Kelly:

- Brad, Corey and I had a meeting with the Rotary Club on their struggles and car repair issues.
- Employee injury – arc burn to eyes; employee has recovered.
- Attended the Business Recruitment meeting and the EDC meeting.
- Updates on lease insurance documentation.
- Meeting with Corey with Vaagen Brothers on operations and scrap car needs.
- Annual PNC training for all employees completed.
- Meeting with County Treasurer Nicole Dice on credit cards.
- Meeting with Fire District 4 Captain Knaack on Payment In Lieu of Taxes (PILT) for Port property.
- Reviewing small port district Comprehensive Plans.
- During purging of documents it has been discovered that a box of time sheets for the calendar years of 2019 and 2018 is missing and is assumed to have been accidentally destroyed.

Corey:

- Car repairs for February totaled \$29,760.79. The lumber car market is pretty tight right now so could have an effect on our ability to get and repair cars.
- He and Cliff met with the Tribe on proposed crossing bores.
- Completed welding on some frogs.
- Replaced the Ford Escape with a used Chevrolet ½ ton pickup which will be picked up from Taylor Parker in Ponderay, Idaho on March 12th.