

**MINUTES  
PORT OF PEND OREILLE  
BOARD OF COMMISSIONERS MEETING  
Date: February 13, 2024**

**Call to Order:**

Chairman Kiss 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 Kiss, Commissioner Gentle, Commissioner Peterson and Port staff members Kelly Driver, Susan Bluff, Corey Ives, Myles Keogh, and Sarah Reaveley (via Zoom). Also, in attendance on Friday, February 16<sup>th</sup>, were County Commissioner and EDC Secretary Brian Smiley, EDC Vice Chair Laura Verity, and City of Newport Administrator and EDC Chair Abby Gribi.

**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 January 9, 2024. Motion seconded by Commissioner Gentle, so ordered by Chairman Kiss.

**Diesel Fuel Bid Opening:** Chairman Kiss opened the bid from Co-Energy which was for .0799 over rack price. The bid from City Service Valcon had been rejected by staff for being submitted past the deadline. The Co-Energy bid was non-conforming as it did not meet the bid requirements for submission.

Both entities will be contacted to submit new bids which will be opened and considered on Friday, February 16<sup>th</sup>.

**Comments:** None.

**Correspondence:** None

**Executive Session:** At 9:30 a.m. Chairman Kiss recessed the regular meeting to convene in executive session for interviews for the Economic Development Director position. The session was called for 6 hours. At 3:30 p.m. the session was extended for another 40 minutes. At 4:10 p.m. Chairman Kiss brought the regular meeting back to order stating no decision had been made in executive session.

As a result of the executive session, three candidates were selected by general consensus of the Board to bring back for a second round of interviews on February 16<sup>th</sup> at 9:00 a.m.

At 4:16 p.m. Chairman Kiss stated the meeting will reconvene on February 16<sup>th</sup> at 9:00 a.m. Kelly will post an Order of Adjournment as per state requirements.

**To Order:** On Friday, February 16, Chairman Kiss reconvened the meeting at 9:00 a.m. and immediately recessed the meeting to convene in executive session to conduct a second round of interviews for the Economic Development Director position.

At 2:40 p.m. Commissioner Kiss brought the meeting back to order stating no decisions were made in the executive session. As a result of the executive session, Kelly was instructed to extend an offer of employment for the Economic Development Director position.

**Diesel Fuel Bid Re-Opening:** Chairman Kiss opened the bids. Co-Energy submitted a bid for .0799 over rack price. City Service Valcon submitted a bid in the amount of .05 over rack price. It was determined that City Service Valcon had provided the low bid.

Commissioner Peterson moved to accept the bid from City Service. Motion seconded by Commissioner Gentle, so ordered by Chairman Kiss.

**Old Business:**

**1. Architect and Engineer Contract:**

A. Discussion: Kelly stated the agreement with MMEC for Architect and Engineering services has been signed. Myles is working with MMEC on various mapping questions.

**2. ADO Updates:**

A. Discussion: Kelly reported that the State will not enter into an ADO contract with the Port until July 1, 2024 and it will be for a one-year period due to the unusual circumstances of the EDC dissolving mid-contract term.

The County still has not provided a contract for discussion.

**3. Newport Property:**

A. Discussion: The Port's attorney is working on an abatement contract.

**4. Usk Sub Area Plan:**

A. Discussion: Due to concerns about the Town of Cusick's ability to handle expansion of both the water and sewer utilities, the plan is on hold. There will be a special meeting with stakeholders on February 26<sup>th</sup> at the County Commissioners office.

**5. Other Old Business:** None at this time.

**New Business:**

**1. Personnel Policy Change:**

A. Discussion: Tabled until the March 2024 meeting.

B. Action: Not applicable.

**2. Public Records Request Corrections:**

A. Discussion: Policy 4001 was reviewed and updated by the Port's attorney and changes to the policy have been made.

B. Action: Commissioner Peterson moved to approve revised Policy 4001. Motion seconded by Commissioner Gentle, so ordered by Chairman Kiss.

**3. Lions Club Railrider Agreement:**

A. Discussion: Kelly provided a new five-year agreement with the North Pend Oreille Valley Lions Club regarding their annual Railrider events. The only item that will need updating each year is their scheduled ride dates.

B. Action: Commissioner Gentle moved to approve the agreement with the North Pend Oreille Valley Lions Club. Motion seconded by Commissioner Peterson, so ordered by Chairman Kiss.

**4. EDC Website**

A. Discussion: Tabled until the March 2024 meeting.

B. Action: Not applicable.

**5. Resolution 2024-01 – ADO Credit Card:**

**A. Discussion:** With the creation of the Economic Development Director position, as well as the need to keep revenues and expenditures for the Port and ADO separated for accounting and auditing purposes, staff requested this resolution authorizing a new credit card account for the positions of the Auditor, Economic Development Director, and the Executive Director.

**B. Action:** Commissioner Peterson moved to approve this resolution. Motion seconded by Commissioner Gentle, so ordered by Chairman Kiss.

**6. Resolution 2024-02 ADO Account and Subaccount:**

**A. Discussion:** With the creation of the ADO there is a need to keep revenues and expenditures for the Port and the ADO separated for accounting and auditing purposes. Staff requested this resolution authorizing the County Treasurer to set up a separate account for the Port.

**B. Action:** Commissioner Peterson moved to approve this resolution. Motion seconded by Commissioner Gentle, so ordered by Chairman Kiss.

**7. Resolution 2024-03 Remote Attendance by Board and Staff Members:**

**A. Discussion:** Conversation regarding the need for Board members and/or staff members to be able to virtually attend meetings was discussed. The Port does not provide public virtual attendance due to inconsistencies with Internet service connections and the desire not to have to cancel a meeting due to the loss of Internet connection.

**B. Action:** Commissioner Peterson moved to approve Resolution 2024-03. Motion seconded by Commissioner Gentle, so ordered by Chairman Kiss.

**8. Resolution 2024-04 Surplus Property:**

**A. Discussion:** The annual surplus property resolution was provided for consideration by the Board.

**B. Action:** Commissioner Peterson moved to approve Resolution 2024-04. Motion seconded by Commissioner Gentle, so ordered by Chairman Kiss.

**9. Resolution 2024-05 Transaction of Business:**

**A. Discussion:** Resolution 2024-05 was provided to the Board for compliance with State law regarding the Transaction of Business by the Port, Commissioners and Staff.

**B. Action:** Commissioner Peterson moved to approve Resolution 2024-05. Motion seconded by Commissioner Gentle, so ordered by Chairman Kiss.

**10. Other New Business:**

**A. Resolution 2024-06- CERB GRANT-**

**1. Discussion:** Staff provided a resolution which binds the Port to supplying matching funds for the CERB Grant for planning and design for the shop expansion.

**2. Action:** Commissioner Peterson moved to approve Resolution 2024-06. Motion seconded by Commissioner Gentle, so ordered by Chairman Kiss.

**B. Newport Miner Map Advertising:**

**1. Discussion:** Kelly provided information to the Board regarding the request from the Newport Miner on continuing the EDC advertisement in the local maps.

**2. Action:** Due to the lack of a contract with the Department of Commerce for the ADO, the Board declined this request.

**C. Kalispel Tribe of Indians 3-on-3 Basketball Tournament Sponsorship:**

**1. Discussion:** Kelly provided information on a request from the Kalispel Tribe of Indians regarding a \$5,000 sponsorship request.

2. Action: Due to the lack of a contract with the Department of Commerce for the ADO, as well as the fact that this would not align with the Department of Commerce guidelines for the use of the funds, the Board declined this request.

**Board Travel Plans/Meetings:**

**February/March Meetings- Attendance/Authorizations:**

A. Discussion: Commissioner Gentle will attend the February EDC meeting remotely. Chairman Kiss will represent the Port at any ADO contract meetings. Commissioner Gentle will be absent from the March 2024 meeting.

B. Action: General consensus for meeting attendance.

**Reports:**

**1. Board of Commissioners:**

- No report

**2. Executive Director, Kelly Driver:**

- She and Corey have been emptying out the EDC office. The office will be officially closed by February 29<sup>th</sup>.
- She and Susan met with Jim Cupples, our Fellow through the Economic Recovery Corps.
- Attending County meetings as necessary on the ADO discussions.
- Attended the Parks and Recreation meeting regarding Wolfred Park.
- She and Corey attended a meeting with the City of Priest River on a crossing request and requirements.
- She attended a meeting with representatives from GSI on the ADO appointment.
- Purchased furniture for the Economic Development Director.

**3. Railroad Operations Manager, Corey Ives:**

- Car repairs for December 2023 and January 2024 were approximately \$14,000 each.
- BNSF delivered all switch timbers and ties to the Newport and Priest River locations.
- FRA Audit of the Haz. Mat. Program completed, a few defects in the program need to be updated and there will be additional trainings with the crew.
- Weed spraying for 2024 is out for bids for Tacoma Creek to Newport and Newport to Dover areas.

**4. Auditor – Susan Bluff:**

- Distributed the financial report for the year ending January 31, 2024, as well as storage car information.

**5. Chief Mechanical Officer-Myles Keogh:**

- Shop is busy and the crew is working 4- 10-hour days and on Fridays an 8-hour day.
- Discussed the possibility of a grant to build a locomotive for POVA.

**6. Grant Writer – Sarah Reaveley:**

- The Port was awarded a \$50,000 CERB grant for plan and design work which requires a \$12,500 match.
- The RAISE grant will be submitted by the February 28<sup>th</sup> deadline with a budget of \$11.957 million.
- A Department of Commerce grant was submitted on February 23<sup>rd</sup>.
- The CRISI grant will be open in March and the Maritime Ports Infrastructure grant in April.

**Records for Approval:**

A. Time and Expense Sheets: Approved.

B. Warrants: Operating Expense warrants 52861-53116 totaling \$572,962.22 approved.

**Executive Session:** At 3:45 p.m. Chairman Kiss recessed the regular meeting to convene in executive session regarding a personnel matter (RCW 42.30.110(g)) for approximately 30 minutes. At 4:16 p.m. Chairman Kiss brought the meeting back to regular sessions, stating no decisions were made in executive session. Kelly will handle the personnel matters as discussed.

Kelly will also issue, per Board instruction, a Press Release regarding the hiring of an Economic Development Director providing the individual accepts the position.

**Adjourn:** There being no further business Chairman Kiss adjourned the meeting at 4:18 p.m.



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Ryan Kiss, Chairman



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Kelly J. Driver, Executive Director

Date Approved:

March 12, 2024



**PORT OF PEND OREILLE dba PEND OREILLE VALLEY RAILROAD**

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## **ORDER OF ADJOURNMENT**

On February 13, 2024, the Port of Pend Oreille Chair Ryan Kiss adjourned the meeting . The rescheduled (continued) meeting will be on February 16, 2024 beginning at 9:00 a.m. at 1981 Black Road, Usk, WA. 99180

Public notice is provided by the posting of this Order of Adjournment at [www.povarr.com](http://www.povarr.com) under Legal Notices as well as being posted at the Port District office main entrance, 1981 Black Road, Usk, WA.

Order of Adjournment posted by:

A handwritten signature in blue ink that reads "Kelly J. Driver".

**Kelly J. Driver,  
Executive Director**