

**MINUTES
PORT OF PEND OREILLE
BOARD OF COMMISSIONERS MEETING
Date: September 24, 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: Chair Kiss, Commissioner Gentle, Commissioner Peterson (via Zoom), and Port staff members Kelly Driver, Susan Bluff, Corey Ives, Myles Keogh, Jessica Garza, Sarah Reaveley (via Zoom).

For purposes of clarification, the minutes are presented as listed on the agenda, not necessarily in the order they were discussed. Note: In anticipation of Commissioner Peterson's need to depart the meeting early, the agenda was adjusted to take care of priority items while he was present. As a result, there are times when the minutes will note that Commissioner Peterson was involved in action taken by the Board and other times when he was not. Commissioner Peterson officially left the meeting at 11:30 a.m.

Minutes:

Commissioner Gentle moved to approve the minutes of July 9, 2024. Motion seconded by Commissioner Peterson and so ordered by Chairman Kiss. (There was no meeting held in August).

Comments: None.

Correspondence: None.

Old Business:

1. Architect and Engineer Contract:

A. Discussion: Myles reported MMEC is working on a day to meet on site and look at the proposed layout.

2. Demolition – Staff Recommendation:

A. Discussion: Kelly and Corey reviewed the two demolition bids on September 13th. Leo's Excavating LLC bid was \$ 23,694.00 including tax and the alternate to remove all concrete. The bid from Bento Family Development was \$145,395 including tax and alternate to remove all concrete. Staff recommending accepting the bid from Leo's Excavating and signing a contract for the demolition services.

B. Action: Commissioner Peterson moved to accept the staff recommendation and to approve the signing of the contract by the Board. Motion seconded by Commissioner Gentle, so ordered by Chair Kiss. Commissioner Peterson authorized signing his name to the contract by Kelly Driver.

3. Website RFP – Staff Recommendations:

A. Discussion: Ten sealed bids for the website design were received as well as one which was sent electronically and therefor did not comply with the RFP. A total of six submissions were eliminated due to non-compliance or costs above budgetary allowance. Staff asked for additional time to review these proposals and, if necessary, to clarify any questions or obtain additional information.

B. Action: Item tabled until October.

4. On-Call Civil Engineering:

A. Discussion: Three submissions were received in response to the RFQ for on-call Civil Engineering. Staff recommended that all three firms, Sewell Engineering, TD&H, and SCJ, be interviewed by the Board and staff.

B. Action: The Board agreed with staff recommendations to interview all three firms. Kelly will arrange times for the process.

5. Pend Oreille Representatives Meeting:

A. Discussion: Kelly informed the Board the minutes of the meeting have been started but are not finished.

B. Action: No action necessary at this time.

6. Other Old Business: None at this time.

New Business:

1. International Selkirk Loop Membership :

A. Discussion: ADO funds have been spent in the amount of \$110 for a membership with the International Selkirk Loop organization.

2. Grant Writer Services Application:

A. Discussion: An application for a grant writer has been submitted. If awarded, this position would be available to assist others with grant discovery, writing, review and more. Grant management would not be completed by the Port. If awarded, decisions will need to be made regarding types of agencies, businesses, 501C3 organizations to support, how to determine prioritizing projects and more.

B. Action: None at this time.

3. Grant Assistance:

A. Discussion: The Board and Staff discussed potential services for others utilizing any free time of our grant writer. Sarah would have to determine if she had time to assist. Additional conversation included reviewing, actual writing, or just providing links for others to look into. A fee schedule would need to be established.

4. Public Access Area Policy:

A. Discussion: Through an MRSC webinar, Kelly learned about First Amendment Audits by private individuals and the need for a policy for public access vs. invited public access. Discussion followed. Kelly will work on a draft policy.

5. Hazard Mitigation Plan:

A. Discussion: The 2025 Hazard Mitigation Plan for the Port has been submitted. Kelly presented information on this plan to the Board. Final work will need to be done through the Department of Emergency Management and their consultant.

B. Action: No Board action required.

6. Ambient Heat Exposure Policy:

A. Discussion: In compliance with upcoming FRA requirements, as well as Labor and Industries, Kelly presented a policy for employees working where temperatures are at or above 90 degrees.

B. Action: Commissioner Gentle moved to approve policy 3010 as submitted. Motion seconded by Commissioner and so ordered by Chair Kiss.

7. Land Lease Rates:

A. Discussion: Kelly supplied information on updated land lease rates for our area. Discussion followed.

B. Action: No official action was taken. Kelly will work on a policy for a later meeting.

8. Land Lease – Baseball field lone:

A. Discussion: Due to misunderstanding on the location of the proposed baseball site, this matter has not been addressed. Kelly will work on the matter for the October meeting.

B. Action: Tabled until October.

9. Salary Scheduled Update:

A. Discussion: Staff presented a salary schedule which encompasses changes due to an employee completing his first 90-day evaluation process.

B. Action: Commissioner Gentle moved to approve the salary schedule as presented. Motion seconded Commissioner Peterson, so ordered by Chair Kiss. Commissioner Peterson gave permission for Kelly Driver to sign this document on his behalf.

10. Policy 1003 Small & Attractive Assets – Update:

A. Discussion: Kelly previously distributed this policy to the Board for their review. She explained that there were minor changes to wording and added a paragraph regarding lost or stolen items.

B. Action: Commissioner Peterson moved to approve Policy 1003 as submitted. Motion seconded by Commissioner Gentle, so ordered by Chair Kiss.

11. Additional meeting dates – Resolution 2024-10:

A. Discussion: Conversation was held regarding there are times when monthly meetings are not sufficient for all of the projects the Port has under way. Additionally, due to schedule conflicts there is a need to change the October meeting date.

B. Action: A motion was made by Commissioner Gentle to move the October 8th meeting to October 11th, and to add the third Friday of each month as a regular meeting date of the Board. Motion seconded by Commissioner Peterson, so ordered by Chair Kiss.

12. Other New Business: None at this time.

Board Travel Plans/Meetings:

Sept./Oct. Meetings- Attendance/Authorizations:

A. Discussion: None.

Reports:

1. Board of Commissioners:

- None at this time.

2. Executive Director, Kelly Driver:

- A full-time railroad position open due to departure of a previous employee.
- Opened the RFPs and RFQs with Corey and then reviewed the documents.
- Assisted an employee with the PFML process.
- Working on benefit insurance application.
- Political sign removal.
- Myles, Sarah, and I attended an online meeting with the Department of Commerce regarding potential funding.

- Denied the weed board's proposed contract which would still have held the Port liable for claims of injury or illness.
- Working on State Access permit.
- Attending a meeting with Susan and Jessica at Exbabylon regarding IT services.
- Will be attending the Small Ports Association meeting the end of October.
- Started working on 2025 budgets.

3. Railroad Operations Manager, Corey Ives:

- Car Repairs for August were around \$13,300.
- Ties have been installed between Priest River and Thama. Bundles of ties will be picked up. Six carloads of rock have been spread to fix cross elevation. Crews will be tamping the curves and ties.
- Removal of political signs.
- Worked with WSDOT to remove transients from Port and WSDOT property. Also worked with the City of Newport on the same issue.
- Completed several ride certifications.
- Fiber drilling at Priest River and Oldtown.
- FRA inspector on site recently, minor defects found, these have all been corrected.

4. Auditor – Susan Bluff:

- Distributed the Port financial report for the periods ending July 31 and August 31, 2024, as well as storage car information.
- Distributed ADO financial reports for July and August 2024.
- The State Auditor is working on the 2022-2023 audit.

5. Chief Mechanical Officer-Myles Keogh:

- Discussed the upcoming meeting with MMEC.
- Cummins engine updates.
- Discussed passenger rides at the Great Smokey Mountain Railroad, including Polar Express rides. These excursion rides bring in around \$10 million per year for them.

6. Grant Writer – Sarah Reaveley:

- ADO grants have been the focus for several weeks.
- Word on our CRISI grant application should be made sometime in October. If awarded we will have to find matching funds.
- RAISE grant feedback received. We need to include more information on how we engage with other entities. The NOFO for round 3 will be out in November. She suggested applying for these funds for the Industrial site as a possibility.
- Applying for a transportation study grant in conjunction with the Newport property proposed improvements.
- An invitation to apply for a grant through the Washington Climate Corps was received. This grant would be approximately \$177,000 to pay stipends for two employees to recruit and train in the railroad industry. The deadline is October 21st, with notice in November.

7. Economic Development Director – Jessica Garza:

- Regarding the Grant Writer program, the Port decided against joining with Greater Spokane, Incorporated (GSI) in their efforts to secure the same grant. If awarded to GSI, the Port's portion would have only been somewhere between \$4,000 and \$6,000.

- WEDA funding has a large discrepancy between rural counties and large counties. Small counties, now referred to as Frontier counties, are pushing back against the funding discrepancies and the fact that WEDA is not advocating for the small ADO's like they are for the larger ADOs.
- .09 funding is also lacking for small counties. Pend Oreille County gets around \$205,000 while Yakima is received approximately \$5 million. More discussion on eligibility for .09 funds on a county-by-county basis followed.
- There is no EDAC meeting this month, but a wrap-up email will be sent out.
- She is heading to Wenatchee for an ADO conference today and will also be attending a WEDA conference at the end of the month.

Records for Approval:

A. Time and Expense Sheets: Approved as submitted. .


B. Warrants: Operating Expense warrants 53574-53816 totaling \$751,875.96 and ADO warrants 2512-2532 totaling \$18,704.40 were approved as submitted..

Board Workshop: None held.

Executive Session: An Executive session was called at 9:00 a.m. by Chairman Kiss regarding a personnel matter (RCW 42.30.110(g)) and for real estate matters (RCW 42.30.110(b) which were expected to last a combined total of 60 minutes. At 10:00 a.m. the executive session was continued for approximately 10 additional minutes. At 10:12 a.m. Chairman Kiss brought the meeting back to regular sessions, stating no decisions were made in executive session.

No final action was taken.

Adjourn: There being no further business Chairman Kiss adjourned the meeting at 12:21 p.m.



Ryan Kiss, Chair



Kelly J. Driver, Executive Director

Date Approved: October 18, 2024