

**Port of Skamania County
Minutes of the Board of Commissioners
August 12, 2014, 3:00 pm**

Call to Order: Commissioner Bolstad called the meeting to order at 3:00 pm.

Attendance: Commissioners Tony Bolstad, Gail Collins, and Kevin Waters; Attorney Ken Woodrich, Executive Assistant Julie Mayfield, Executive Director John McSherry, Auditor Monica Masco, Facilities Manager Doug Bill (until 4:00 pm). Guests: Philip Watness (*Pioneer*), Barbara Selstad, Tom Gallant, Paul Spencer, Bernerd Versari.

Public Comment: 3:00 pm – 3:30 pm

Tom: He explained that he went to a Skamania County Commission meeting before the Hegewald Center was built, wherein he asked the entire audience if anyone thought it was a good idea, and no one responded positively, yet the County went ahead with the project. He hoped that the Port Commission was not doing the same thing, just taking public comment to check off a requirement, and not seriously considering the public input. He said it would be foolish to get rid of John, just like it was foolish to build the County building considering the County's financial position. He expressed disappointment that he is not allowed to ask questions of the Commission about John's employment suitability. Commissioner Bolstad responded saying it is public comment, not public debate, and that the Commission has taken time on this issue in order to not make a hasty decision, and that it would likely be resolved today.

Barbara: She was glad to see all three commissioners physically present; the Commission has this important decision but it looked recently like it was not important enough for all commissioners to attend the meetings.

Bernerd: He presented photos stating July 28, 2014 and August 2, 2014 Airboat Tours NW has been using the Port's boat launch to give airboat rides to customers and has Stevenson listed as a tour location on their website. He presented a "petition" signed by 23 people as witnesses to the safety, noise, parking, and ramp access issues. Ken reminded that the Port does not have a contract with the company to be a vendor on Port property, but that it is a public boat launch. The Commission directed Ken to send a letter to the company reminding that they do not have permission to use the boat ramp as a vendor. Ken noted the Port should follow the process that allows the city of Stevenson to enforce our ordinance.

Meetings and Seminars:

John met with several people from the Columbia Gorge Racing Association (CGRA) and Melges Racing Boats who will be holding an international competitive event in Cascade Locks in August 2015. The group will use the Port's Cascade Avenue Boat Launch docks for supplemental berthing. The CGRA expects 30 to 40 boats with crews of four to five people each boat plus family and friends.

Commissioner Bolstad attended the Washington Public Ports Association (WPPA) Commissioners Seminar at Skamania Lodge. He received training in the Open Public Meetings Act (OPMA) and Open Public Records Act (OPRA). He explained that he learned

the Commission should explain the Port's position after an executive session before taking a vote on a motion. He also noted that several ports are finding ways to tap their tenants into the North Dakota oil boom, which was touted as the biggest U.S. economic event of our lifetimes.

Julie and Ken attended the Columbia River Gorge Commission Urban Area Boundaries Legal Description Project kick-off meeting in The Dalles. The project consists of two groups of Gorge stakeholders: a larger "plenary" group and a smaller technical group. There are two more technical meetings and then the final meeting is with the fuller plenary group.

Minutes Approval:

*---MOTION--- Commissioner Waters moved to approve the **July 22, 2014 Regular Meeting Minutes**. Commissioner Collins seconded; the motion carried.*

Vouchers Approval:

*---MOTION--- Commissioner Waters moved to approve the **Pre-issued General Fund Vouchers numbered 15837 through 15845 in the amount of \$12,356.69 dated July 30, 2014**. Commissioner Collins seconded; the motion carried.*

*---MOTION--- Commissioner Collins moved to approve the **General Fund Vouchers numbered 15846 through 15877 in the amount of \$40,309.08 dated August 12, 2014**. Commissioner Waters seconded; the motion carried.*

Administrative Approvals:

There was no decision to direct Randy in voting at the Chamber Board meeting since Randy will be on vacation. Commissioners Waters and Collins suggested the Port abstain from voting if there was a vote to ask Paul Pearce to resign from the Board.

There was discussion about the types of easements in the lease for US Cellular at Martha Creek Field, Wind River Business Park (WRBP); there's no access road off of Martha Creek Road, near the cell tower. Commissioner Collins was concerned that the current access easement may change with future uses at the site. John pointed out that we can change the easement in the future if and when site uses change.

*---MOTION--- Commissioner Waters moved to **authorize John McSherry to sign the lease with US Cellular at Martha Creek Field, WRBP, for a 5-year term at \$800 per month, plus leasehold tax, dated August 12, 2014**. Commissioner Collins seconded; the motion carried.*

*---MOTION--- Commissioner Waters moved to **authorize John McSherry to sign the Memorandum of Lease, incorporating the terms of the lease, with US Cellular**. Commissioner Collins seconded; the motion carried.*

*---MOTION--- Commissioner Waters moved to **ratify the contract with Greene & Associates, for \$2,250, for appraisal of the River Point Building**. Commissioner Collins seconded; the motion carried.*

---MOTION--- Commissioner Waters moved to ratify the Tichenor Building Suite 40-D lease with Stevenson Massage (Amber Corey), with a 1-year term and a \$250 deposit, at \$250 per month including leasehold tax and insurance; the deposit is less than the recommended deposit of 1 year lease rate. Commissioner Collins seconded; the motion carried.

Staff Reports:

Facilities Report: Doug reported replacing one AC unit in the **Tichenor building**, Suite 70 and advised of another needing replaced soon in Suite 40. The fire alarm panel had a bad circuit that failed setting off the alarm last week. Tenant **Insitu** is currently moving out of Tichenor Suites 65 and 105, and the River Point building. Doug recommended we seal and stripe the areas where Insitu's containers were placed after they are completely vacated. Doug will coordinate with Insitu to accommodate access for the appraisers to the River Point Building. We finally received the new **Ford F250** truck. Doug added extra bed liner paint. The **Underwood Conservation District** will use some boulders from Cascades Business Park for a project at the Little White Salmon river. We continue to work on several projects at **Beacon Rock Golf Course**. The Waterfront has been very busy with visitors, racing kayaks and wind surfers party and passengers from river boats touring the Columbia River.

Commissioner Waters passed on a commendation from tenant Skunk Brothers about Doug and Karl's responsiveness to their needs as they've been putting their business together in the Tichenor building.

Attorney's Report: Ken reviewed the WRBP cell tower lease.

Unfinished Business/Director's Report: Presented by John McSherry

1. *Tenants update:* Two tenants are in lease payment arrears. John has been working with potential tenants for the River Point building and has taken several on tours of the building and has obtained a scaled drawing of the building to accurately lay out future suites. Doug has been getting quotes for repaving and sealing the parking lot at **Beacon Rock Golf Course**; the Port is also considering re-design of the irrigation system and replacing the clubhouse windows with double pane windows.
2. *River Point Re-Roofing:* The Port is continuing to supply information to EDA (US Economic Development Administration) as part of our grant application. Awards will be made in late September.
3. *ALEA Grant Application for Stevenson Shoreline Restoration Project:* John and Brian Bair of Bair Consulting LLC presented the final grant application in Olympia August 7. John explained the ALEA funds are contingent on state legislative budget approval. Grant rankings should be announced in late September.
4. *Port Commission Meetings Schedule:* It was determined to continue with two meetings per month, instead of changing to one meeting per month. Commissioner Collins said meetings are difficult with commissioners on the phone; Commissioner Waters apologized for missing two meetings in a row and will decide

if he is going to resign, saying his business is very busy and it's difficult for him to attend meetings, causing the Port Commission position to be on the back burner. Commissioner Collins asked him to stay just a little bit longer. Ken suggested the Commission start looking for a replacement, since it is better to have a change now, rather than later when Commissioner Bolstad's term is over.

5. *Bridge of the Gods Short Haul Vehicle loading restrictions update:* There will be a legislative meeting on August 25, 2014 at 10:30 am at the Port of Cascade Locks Marine Park Pavilion to brief staff on the bridge. Commissioner Bolstad will attend this meeting.

New Business: Paul Spencer of **Wind River Biomass** made three requests: 1) Storage space for equipment at WRBP; 2) Longer lease term for land; 3) Better lease rate(s). Paul volunteered to research relevant market lease rates for the Stabler area. Paul gave an update on the business: they have 12 potential operators; their target is 2 MW of electricity, but they're starting with a smaller amount focusing on the thermal side to provide heat to customers such as greenhouses. The Commission directed John and Ken to work on leases.

Commissioner Bolstad called for an executive session to finalize a decision about John's employment performance and to discuss unrelated pending litigation; Commissioner Waters requested to see John's draft employment contract again, stating last time he was at a Commission meeting the contract contained many redlines.

Executive Session: Commissioner Bolstad called for an Executive Session from 5:00 pm to 5:20 pm for 20 minutes, per RCW 42.30.110(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public, and again from 5:46 pm to 5:51 pm for 5 minutes per RCW 42.30.110(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.and

*---MOTION--- Commissioner Waters moved to **terminate John McSherry from employment at the Port of Skamania.** Commissioner Collins seconded; the Commission unanimously voted Nay—the motion did not carry.*

Commissioner Waters explained that instead of termination the Commission is going to direct Ken to develop an employment contract for John and that the contract will include a personal improvement plan (PIP) wherein John can have established goals and performance criteria and make amends. He noted he cannot underemphasize that he still does not condone any of John's actions regarding this situation and that it has put a ton of stress on him personally. He said he never thought he'd have to deal with anything like this as a Commissioner. He noted John has been extremely respectful of the Commission and has worked very hard during this evaluation period; all three commissioners appreciated his efforts. Commissioner Bolstad stated that their options were to terminate immediately, or give a 6-month termination, or come up with a contract that includes a rolling performance


review with milestones to be met. Commissioner Collins explained the situation has been an embarrassment for the Commission but the Commission needs to move forward for what is best for the Port.

The Commission directed John and Ken to develop an employment contract, including a PIP and performance measurements.

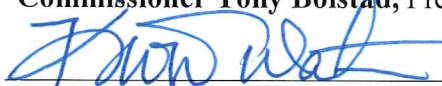
Adjournment: The Chairperson adjourned the meeting at 6:01 pm.

Next Meeting: The next regularly scheduled meeting of the Board of Port Commissioners is August 26, 2014, 3:00 pm, at the Port office conference room: 212 SW Cascade Avenue, Stevenson, Washington.

APPROVED BY:



Commissioner Tony Bolstad, President (District 1)



Commissioner Kevin Waters, Vice-President (District 3)

Commissioner Gail Collins, Secretary (District 2)

ATTEST:



Julie Mayfield, Executive Assistant