

OREGON INTERNATIONAL PORT OF COOS BAY

Coos Bay, Oregon

REGULAR COMMISSION MEETING

10:00 a.m., Tuesday, September 20, 2022

Port Commission Chambers, 125 Central Avenue, Suite 230, Coos Bay, Oregon 97420

ATTENDANCE

Commission:

David Kronsteiner, President; Eric Farm, Vice President; Brianna Hanson, Treasurer; Kyle ViksneHill, Commissioner; and Kyle Stevens, Commissioner.

Staff:

John Burns, Chief Executive Officer; Rich Lopez, General Manager, Coos Bay Rail Line; Margaret Barber, Director of External Affairs and Business Development; Steve Bawn, Charleston Marina Manager; Rick Adamek, Director of Asset Management; Krystal Karcher, Human Resources Generalist; Laura Fortin, Administrative Assistant; and Mike Stebbins, Port Legal Counsel.

1. CALL MEETING TO ORDER

President Kronsteiner called the meeting to order at 10:04 a.m.

2. INTRODUCTION OF GUESTS AND PORT STAFF

3. PUBLIC COMMENT

4. CONSENT ITEMS

- A. Approval of June 16, 2022, Budget Hearing & Regular Commission Meeting Minutes
- B. Approval of June 29, 2022, Special Commission Meeting Minutes
- C. Approval of June, July, and August Invoices
- D. Approval of June, July, and August Contracts Awarded

Upon a motion by Commissioner Farm (second by Commissioner Hanson), the Board of Commissioners voted to approve the June 16, 2022, Budget Hearing & Regular Commission Meeting Minutes; June 29, 2022, Special Commission Meeting Minutes; June, July, and August Invoices; and June, July, and August Contracts Awarded. **Motion Passed.**

Commissioner Hanson commented she would like for the Board of Commissioners to review the Charleston Revenue / Expense ratios in the Financial reports. John Burns said he would plan for a presentation at the next meeting.

5. MANAGEMENT REPORTS

All Management Reports were included within the Meeting Packet.

6. ACTION ITEMS

A. **2022Res09: Ratification of Declaration of Emergency– NB Swingspan Bridge Hydraulic Replacement**

On August 23, 2022, Port staff was notified of a hydraulic pump issue on the North Bend Swing Span bridge which effected the useability of the bridge.

Upon closer inspection of the hydraulics system by Whit Industries, it was determined new hydraulic motors, solenoids, and lines were needed in order to keep the bridge in operable condition. Also, as part of this inspection, it was determined that some of the work areas on the bridge rest pier system must be replaced in order to safely access the hydraulic system. Without timely repairs, CBRL customers would be without service for an excessive amount of time.

On August 25, 2022, Port staff determined it was in the public's best interest to sole source Whit Industries to affect the repairs to the hydraulic system, and to sole source the work platform repairs to Scott Partney Construction, pursuant to ORS 279B.075, based on the following:

- a. Repairs needed to be expedited in an effort to mitigate the time of service interruption.
- b. Whit Industries is an expert in the field of hydraulic systems and possesses both the experience and the manpower to affect the repairs in the most efficient manner.
- c. Scott Partney Construction has extensive construction knowledge of the North Bend Swing Span and bridge repairs in general and had the ability and work force to repair the work platforms in the timeframe necessary to keep the bridge in operation and limit the rail down time for customers.

Chief Executive Officer John Burns declared an emergency and authorized the Port to enter into contracts with Whit Industries and Scott Partney Construction to affect the repairs to resolve this emergency condition.

Scott Partney completed the repairs to the walk surface at the west pier to allow access to the hydraulics on Thursday, September 8, 2022, for a contracted price of \$26,609. Whit Industries completed replacing and repairing the hydraulics on the bridge, on September 12, 2022, for a contracted price of \$30,000.

Upon a motion by Commissioner Farm (second by Commissioner Stevens), the Board of Commissioners motioned to adopt Resolution 2022Res09 ratifying the Declaration of Emergency for emergency repairs to the North Bend Swing Span Bridge. **Motion Passed.**

B. **2022Res10: ODOT Permanent Easement Agreement – Territorial Road, Veneta**

The Oregon Department of Transportation (ODOT) is conducting an ADA curb ramp project in Veneta, Oregon, and is requesting a Permanent Easement on Port owned property along the Coos Bay Rail Line on Territorial Road for the construction of a new ADA compliant curb ramp.

In consideration of \$2,700, the Permanent Easement Agreement will grant ODOT authority to construct, reconstruct, repair, and maintain the public highway and its appurtenances and facilities, and also, to construct and maintain water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under and across the property. Per the Terms of Offer, ODOT will remove/replace sidewalk and grass in like kind as needed as part of the project within the permanent easement area.

The Permanent Easement Agreement, exhibit, map, and Terms of Offer were included in the meeting packet. Port's legal counsel has reviewed and accepted the Permanent Easement Agreement.

Upon a motion by Commissioner Farm (second by Commissioner Hanson), the Board of Commissioners motioned to adopt Resolution 2022Res10 approving an Easement Agreement between the Port and Oregon Department of Transportation of Port property along the Coos Bay Rail Line on Territorial Road in Veneta and granting Chief Executive Officer John Burns authority to execute the Agreement. **Motion Passed.**

C. Bay Area Chamber of Commerce Lease Renewal

The Bay Area Chamber of Commerce is a Tenant of the Port following the Port's acquisition of the Hub Building. The existing lease agreement that was transferred with the sale of the property from the Hub Partnership to the Port expired July 31, 2022. The Bay Area Chamber of Commerce expressed interest in entering into a new one-year lease agreement for leased space in the Hub Building. The Chamber is a Tenant in good standing with the Port.

Upon a motion by Commissioner Hanson (second by Commissioner Stevens), the Board of Commissioners motioned to approve the Oregon International Port of Coos Bay to execute a new one-year lease agreement with the Bay Area Chamber of Commerce. **Motion Passed.**

D. Shoji Planning LLC. Lease Renewal

Shoji Planning, LLC is a Tenant of the Port following the Port's acquisition of the Hub Building. The existing lease agreement that was transferred with the sale of the property from the Hub Partnership to the Port expired July 31, 2022. Shoji Planning, LLC expressed interest in entering into a new one-year lease agreement for leased space in the Hub Building. The Shoji Planning, LLC is a Tenant in good standing with the Port.

Upon a motion by Commissioner Hanson (second by Commissioner Farm), the Board of Commissioners motioned to approve the Oregon International Port of Coos Bay to execute a new one-year lease agreement with Shoji Planning, LLC. **Motion Passed.**

7. **OTHER**

8. **COMMISSION COMMENTS**

Commissioner Farm asked if the SDAO Best Practices deadline was October 1, 2022, or 2023. Mr. Burns said he would gather the answer for Commissioner Farm.

Mr. Burns commented on the current fire season and some recent events that effected both the Port property and properties in close proximity of Port properties. On Friday, September 16, 2022, there was a brush fire on the North Spit. Mr. Burns said the fire was determined to not be caused by the Port's locomotives, rolling stock, or any other Port assets.

Mr. Burns recognized Marina Manager Steve Bawn and his staff at the Charleston Marina for their good work responding to a fire Monday night, September 19, 2022. Security cameras and crew witnessed an individual siphoning gas from vehicles parked in the Marina parking lot, who then proceeded to light a cigarette, causing a fire. Three vehicles were totaled in the fire damage and two other vehicles as well as the asphalt parking lot, were damaged. Mr. Burns reported that Insurance has been notified and damages are being assessed.

President Kronsteiner announced the Senate will be meeting Wednesday, September 21, 2022, to approve his replacement on the Commission. President Kronsteiner shared his appreciation and confidence in working with the Commission Board members, Port staff and the Port CEO over the last 18 years.

9. **NEXT MEETING DATE** – Tuesday, October 18, 2022, 10:00 a.m.

10. **RECESSED TO EXECUTIVE SESSION**

President Kronsteiner recessed the meeting at 10:28 a.m. and entered into Executive Session to:

(d) conduct deliberations with person designated by the governing body to carry on labor negotiations;

(e) conduct deliberations with persons designated by the governing body to negotiate real property transactions;

(g) consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations;

(h) consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed;

(i) review and evaluate the job performance of a chief executive officer, other officers, employees and staff, if the person whose performance is being reviewed and evaluated does not request an open hearing; and

(j) carry on negotiations under ORS Chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.

Mr. Stebbins commented on the integrity and outstanding business ethics of President Kronsteiner. He thanked President Kronsteiner for his work and dedication to both the community and to the Port of Coos Bay over the years.

11. MEETING RECONVENED

The public meeting was reconvened at 12:25 p.m. President Kronsteiner announced his resignation as President of the Board of Commissioners of the Oregon International Port of Coos Bay.

Upon a motion by Commissioner Hanson (second by Commissioner ViksneHill), the Board of Commissioners voted to appoint Eric Farm as the new President of the Board of Commissioners of the Oregon International Port of Coos Bay. **Motion Passed.**

12. ADJOURN

President Kronsteiner adjourned the meeting at 12:26 p.m.