

**OREGON INTERNATIONAL PORT OF COOS BAY**

**Coos Bay, Oregon**

**REGULAR COMMISSION MEETING**

**10:00 a.m., Tuesday, April 18, 2023**

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

**ATTENDANCE**

**Commission:**

Eric Farm, President; Brianna Hanson, Vice President; Kyle ViksneHill, Treasurer; and Nick Edwards, Commissioner. Kyle Stevens, Secretary, was excused.

**Staff:**

John Burns, Chief Executive Officer; Lanelle Comstock, Chief Administrative Officer; Mike Dunning, Chief Port Operations Officer; Megan Richardson, Director of Finance and Accounting; Margaret Barber, Director of External Affairs and Business Development; Rick Adamek, Director of Asset Management; Steve Bawn, Charleston Marina Manager; and Laura Fortin, Administrative Assistant.

**Media & Guests:**

Anne Bellomy, Citizen of Coos Bay; Kyle Cox, Tarheel Aluminum; and Knute Nemeth, Charleston Advisory Committee member.

**1. CALL MEETING TO ORDER**

President Farm called the meeting to order at 10:01 a.m.

**2. INTRODUCTION OF GUESTS AND PORT STAFF**

**3. PUBLIC COMMENT**

**Anne Bellomy, Citizen of Coos Bay**

Ms. Bellomy stated she is in opposition to Oregon House Bill 3382. She said this Bill will exempt select deep-water Ports from compliance with many environmental protection laws and strips Oregon citizens of their right and ability to shape what happens in their communities. She said the exemption from oversight allows the Port to engage in practices that are likely to cause a negative impact to the environment, communities and to the ecosystems in surrounding areas. Ms. Bellomy said the Coos Bay Estuary is the largest in the state of Oregon, and these Estuaries store 20% of the global organic carbon, create organic matter, and provide fish and wildlife habitats. Ms. Bellomy urged the Port of Coos Bay to follow the example of the Port of Portland and ask to be removed from the HB3382 list of exempt ports. She said she hoped the Port would allow community involvement in planning future dredging activities and follow a thorough environmental assessment with mitigation measures put in place to safeguard the Coos Bay Estuaries ecology.

#### 4. PORT PROJECT UPDATE

##### A. Charleston Marina Insurance Compliance Update

Steve Bawn, Charleston Marina Manager provided an update showing the process and progression of Port Ordinance 147. Ordinance 147 was put into effect May 2022 and is a requirement for all vessels moored, stored, or using the travel lift service, to obtain and maintain a designated minimal amount of insurance coverage. Notifications for this Ordinance were sent in April 2022, with an initial compliance due date of July 19, 2022. In August 2022, extensions were granted until September of that year. Staff continued to work with customers and a second extension was granted until December 2022.

Phase I began on December 6, 2022, and 72-Hour eviction notices were sent out to customers not in compliance at that time. Vessel owners who did not respond were sent a 30-day abandonment letter and notified their vessel may be seized. Staff continued working with the vessel owners who were communicating and trying to obtain the required surveys and insurance coverage. Before taking custody of the vessels not in compliance, staff developed a 14-day final notice to give vessel owners a last opportunity.

For Phase I, as of April 2023, 17 vessels have acquired insurance or have been removed from Port property, 5 vessels are awaiting dismantling or will be moved, 4 vessels are awaiting surveys and 3 have yet to respond. Mr. Bawn reported there are approximately 23 vessels still needing to be addressed as staff moves into the next phases of the process.

#### 5. CONSENT ITEMS

- A. Approval of March 7, 2023 Commission Work Session Minutes
- B. Approval of March 21, 2023 Regular Commission Meeting Minutes
- C. Approval of March Invoices
- D. Approval of March Contracts Awarded
- E. Approval of Community Giving Donations

Upon a motion by Commissioner Hanson (second by Commissioner Edwards), the Board of Commissioners voted to approve the March 7, 2023 Commission Work Session Minutes, March 21, 2023 Regular Commission Meeting Minutes, March Invoices, March Contracts Awarded and the Community Giving Donations. **Motion Passed Unanimously.** (Ayes: Farm, Hanson, ViksneHill and Edwards. Nays: None).

#### 6. MANAGEMENT REPORTS

All Management Reports were included within the Meeting Packet.

#### 7. ACTION ITEMS/REPORTS

- A. **2023Res04: Authorizing the Execution of a Locomotive Lease Agreement**

The Port of Coos Bay currently owns six locomotives and leases two locomotives from Wells Fargo Rail Corporation. Due to the need for additional reliable locomotives, Port and Rail Staff have solicited a proposal from Wells Fargo Rail Corporation to lease up to four locomotives to join the existing rail fleet.

Wells Fargo Rail Corporation provided a proposal to lease four GP38-2 locomotives for a term of 36 months at the rental rate of \$130.00 per unit per day. During the term of the agreement, Port/Rail is responsible for the maintenance, service, and repair of each unit. Upon expiration of the agreement, the term shall continue on a month-to-month basis.

Although the annual expense is within the CEO's spending authority, per the requirements of the lease, the Port's Board of Commissioners must authorize execution of the lease agreement and an opinion letter from the Port's legal counsel must be provided (which is currently being prepared).

Upon a motion by Commissioner ViksneHill (second by Commissioner Edwards), the Board of Commissioners approved Resolution 2023Res04 authorizing Oregon International Port of Coos Bay Chief Executive Officer John Burns to execute a 36-month lease agreement for up to four locomotives at the rental rate of \$130.00 per unit per day with Wells Fargo Rail Corporation. **Motion Passed Unanimously.** (Ayes: Farm, Hanson, ViksneHill and Edwards. Nays: None).

#### **B. Port of Coos Bay Budget Committee Appointments**

The Port of Coos Bay's Budget Committee is made up of the five Port Commissioners and five citizen members who serve for a term of three years.

After Elise Hamner was appointed to the Budget Committee at the March Commission Meeting, it was discovered that the terms of both Maeora Mosier and Steve Scheer ended with the 2022/23 budget process.

Ms. Mosier has agreed to renew her term on the Committee. Ms. Mosier is also a member of the Budget Committee for Coos Bay Rail Line, Inc.

To fill the vacancy of Mr. Scheer, Port Staff contacted Shane McGowne, who is also a member of the Budget Committee for Coos Bay Rail Line, Inc. Mr. McGowne has agreed to join the Port's Budget Committee. The terms for Ms. Mosier and Mr. McGowne will end after the 2025/26 budget planning process.

Upon a motion by Commissioner Edwards (second by Commissioner Hanson), the Board of Commissioners appointed Maeora Mosier and Shane McGowne to the Port of Coos Bay's Budget Committee with terms expiring June 30, 2026. **Motion Passed Unanimously.** (Ayes: Farm, Hanson, ViksneHill and Edwards. Nays: None)

#### **C. Charleston Advisory Committee Appointments**

The Charleston Advisory Committee was established by the Board of Commissioners of the Oregon International Port of Coos Bay on September 17, 2003 to serve in an advisory capacity to the Port Commission in developing strategies and guidelines for various projects and issues concerning the Charleston Marina Complex. The function of the Committee includes but is not limited to:

- Review of proposed projects within or affecting the Charleston Marina, RV Park and Shipyard.
- Review and monitor project progress.

- Monitor and make recommendations to the Port Commission regarding various issues. Any recommendations or proposals submitted by the Committee shall be considered in an advisory nature and shall be given due consideration by the Port Commission for feasibility and implementation.

The following three terms expired January 2023:

- Nick Nylander
- Kyle Cox
- Mark Fleck

Nick Nylander and Kyle Cox have expressed interest in continuing their representation on the Committee and are being recommended for re-appointment for additional three-year term. Mark Fleck is unable to renew his term, thus Port Staff has reached out to Tyler Long, a Charleston customer, who has agreed to join the Committee.

Upon a motion by Commissioner Hanson (second by Commissioner Edwards), the Board of Commissioners reappointed Nick Nylander and Kyle Cox, and newly appointed Tyler Long to the Charleston Advisory Committee for three-year terms expiring January 31, 2026. **Motion Passed Unanimously.** (Ayes: Farm, Hanson, ViksneHill and Edwards. Nays: None).

#### **D. Buildings 6/7 Lease Agreement**

Port staff were approached by Jon McUne, owner of Monkey Business in the Charleston Marina. The previous tenants in buildings 6/7 had provided a termination notice. Mr. McUne was interested in relocating his restaurant to provide indoor eating space for guests as Monkey Business was previously operating in a food trailer with no indoor dining.

Mr. McUne is an existing tenant of the Port and is in good standing. Mr. McUne provided Port staff with a business plan for review and a credit check was completed. The initial term of the lease is for two years, with four (4) two-year renewal terms.

The tenant will be making minor improvements to the facility with the written consent of the Port, including interior and exterior paint.

Upon a motion by Commissioner Hanson (second by Commissioner Edwards), the Board of Commissioners approved the Oregon International Port of Coos Bay to execute a lease agreement with Jon McUne, dba Monkey Business for buildings 6/7 in the Charleston Marina.

**Motion Passed Unanimously.** (Ayes: Farm, Hanson, ViksneHill and Edwards. Nays: None).

#### **8. OTHER**

#### **9. COMMISSION COMMENTS**

#### **10. NEXT MEETING DATES**

- Commission Work Session: Tuesday, May 2, 2023 at 10:00 a.m.

- Regular Commission Meeting: Tuesday, May 16, 2023 at 10:00 a.m.
- Port of Coos Bay Budget Committee Meeting: Wednesday, May 24, 2023 at 12:00 p.m.

## **11. ADJOURN**

President Farm adjourned the meeting at 10:27 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;
- (j) carry on negotiations under ORS Chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments; and
- (n) discuss information about review or approval of programs relating to the security of a number of specified structures, activities and materials relevant to the operation of the state's infrastructure.