



PUBLIC MEETING: Port Commission Meeting

DATE: Thursday **August 18, 2022, 6 PM**

LOCATION: Cascade Locks City Hall 140 Wa Na Pa St, Cascade Locks, OR 97014

<https://us02web.zoom.us/j/85806615790>

## MINUTES

- 1) Commission meeting called to order 6:00 pm
  - a. Pledge of Allegiance
  - b. Roll Call
    - i. President Groves
    - ii. Vice President Lorang
    - iii. Commissioner Caldwell
    - iv. Commissioner Stipan
    - v. Commissioner Bump
  - c. Modifications, Additions and changes to the Agenda
    - i. GM Kaganova removes Bear Mountain from presentation, item 6.b., and 7.c. changing from "Approve Procurement Policy" to "Discuss Procurement Policy"
  - d. Declarations of Potential Conflicts of Interest
- 2) Public Comment (Speakers may be limited to three (3) minutes)
- 3) Discussions
  - a. Trademarking the Bridge
    - i. Laura Westmeyer is here to give an overview of the trademarking process. She recalls that this first came up a couple months back when there was a request to use the bridge. She continues that there is a state or federal trademarking process. C Stipan and P Groves have experience in the trademarking business. She says that the state trademarking process wouldn't go along with the bridge due to it crossing to another state. There will be a patent attorney and challenge creator along with the process. To trademark, you need a good or service to protect and the trademark is only as good and strong as much as you are willing to police is, such as sending cease and desist letters. It is a simple process, just need to line up what is wanted to be protected. C Caldwell asks if it takes 2 years for the process, Laura says it can take as little as 6 months, depending on the attorney and the application. GM says that we need to decide as a Port is what we would like to specifically have trademarked. Laura continues that when you trademark something, the application is only good for the class it is being trademarked for. She gives an example of having Bridge of the Gods Services being trademarked and have separate applications for different categories that you want trademarked. C Caldwell says that the Port would want to protect the products that the Port is putting out. C Stipan says that it would be good for advertising purposes. OM Blue asks if someone is making shirts with the logo, would we need to prove why the Port deserves to have it more? Laura says that at the first use of the name of the bridge, it is common law trademarked. But if someone else has

already trademarked BOTG for shirt purposes, then the Port would not be able to. C Caldwell asks if we had it trademarked with merchandise, do they have to be separate or the items/products for sale be considered as one trademarked item. Laura says that it can be classified as one, and that there are tons of different classes for certain trademarks. C Stipan says that if we were able to trademark it, and someone wants to be able to use it for clothing and asks if there is a way for people to be able to use it while they pay. Laura says yes, we have a license included to be able to do that. C Stipan asks for the length of time that the trademark is good for., Laura says you must renew the application every 6 years and 10 years. GM asks Laura to research cost and attorney time for the process of trademarking or if she needs more information. Laura replies she has enough.

#### **b. Bear Mountain Presentation**

- i. GM gives a refresher about dealing with sawdust in the Business Park for several years. When the property was first sold to Bear Mountain, there was an agreement to find a solution to not have sawdust going all over. The resolution is to build a 40-ft fence to block the sawdust from escaping the area. They will continue to water the piles of sawdust to stop it from spreading, and the piles will be kept smaller. They have the same solution implemented in Idaho. VP Lorang adds that community member Rob Peterson sent pictures of the Idaho location, and it would be better than nothing. P Groves adds that Decavo deals with fiber and may need to have a similar resolution if another tenant has an issue.

#### **c. Snyder Agreement**

- i. P Groves begins by saying Dennis Snyder Jr., approached him and says that he knows his contract is coming to an end, but he does a lot of stuff for the community and for the Port's maintenance team. He has lately been dealing and recovering from the pandemic. P Groves says that Snyder wants to be able to have his contract renewed and doesn't mind if it looks different. P Groves adds that Snyder was told the Port was going to pay for the DOGAMI permit and that it covers a lot of property. The people who lease Snyder come and check his licenses and that there are no violations. P Groves says that there was an issue with a check being sent and that the new deadline is July to get the license. He doesn't feel like he was able to mine without some information with the permit. C Stipan asks as a Port if we are going to get this for him, P Groves says that he wants to come and talk to the Port in May. GM brings up that we have learned in Snyder's current agreement, the permit is his responsibility to pay it but the Port has not held him to that. She asks if the Commission would like to enforce it in the agreement. P Groves says that he has a "he said, she said" situation. Others told Snyder that it is the Port's responsibility to pay for it. GM says that initially, it wasn't intended for the contract to be written the way it was but if they change it and enforce it for someone else, there can cause issues. She feels more comfortable making an official motion saying that the Commission isn't going to pay for it. VP Lorang asks for the price of the permit; GM says that it is around \$1,400 and can go

up depending on what is mined. P Groves doesn't mind changing it but knows Snyder doesn't want to have a completely new contract to sign. P Groves and GM are worried about verbal conversations and other claims against the Port of being unfair. GM proposes to either enforce it or amend it. P Groves asks what is specifically written on the contract, GM will research it. C Caldwell says that there may be a portion of what can be changed for depending on what he mines and what the Port should pay. GM says we can pay the fixed amount but have them pay the extra cost. C Stipan says that as a Port, he wants to thank him, but if someone is going to come forward and say they aren't being fair, they should have a large community presence. VP Lorang adds he is surprised about someone else wanting to mine, P Groves adds that there is talk about someone else wanting to mine in town. C Stipan says that we are at a point where someone could potentially say it isn't fair. C Caldwell asks if we should let Snyder do what he's going to do until May but dissect it until then. P Groves says that he can see the permit allows for more. GM says we know what Snyder wants but need to continue with what the Port wants. VP Lorang says the permit allows for the whole area, not just his area. P Groves says that in Snyder's mind, he hasn't been able to mine due to not permit. C Stipan adds he wants to thank Snyder for helping the community. GM confirms whether he is required to pay for them, or not enforce it. P Groves believes we should leave things as they have been and not enforce the provision, until May.

#### 4) General Manager Report

- a. Bridge is seeing lower than expected traffic counts, revenue projections will be net or close, and looking at more signage leading to the toll booth telling to have money ready to help congested traffic go faster. Accountant candidate met with P Groves and pointed out there are issues in the accounting. GM has reached out to recruitment firms to find someone and raise salary. Audit team is not able to provide a timeline of completion. The agreement with the firm says they will give a report after 5 months, but it has been longer. GM is waiting for a response from the team next week and if there is any guidance on how to address it. P Groves asks why it is delayed, GM replies the team was turned over and staff were out with illness and came out to do an additional week of testing. P Groves adds he worked with Roy, the recruitment, and is highly respected. GM says that issue is the audit results are needed by the state but is putting us in a bad place of reaching the limit for extensions. P Groves heard they are quite ill and asks when the audit is due. GM says that it's normally due 6 months after the year ends, and a member of the audit team believes there are no more extensions. P Groves asks what happens if we don't turn it in, GM says she isn't sure. GM says we refinanced 4.8 million and added another million, for the addition of Flex 5. P Groves asks for GM recommendation. P Groves says he will contact Roy to see about completion. GM adds we are on completion with Pauly Rogers until 2024. C Stipan asks what can happen since the audit wasn't submitted on time. Laura says that ultimately, the biggest penalty is withholding state funds. She continues to say that whatever amount is coming to the entity, is held for only until the audit is done. Had a wonderful turnout for the Beautification Project, and plan to have another cleanup.

GM says that when the area was created, there was no blockage to stop weeds from growing through and there is some damage to the rock wall, but the original creator will come and repair it. The more cleanup done in the fall and spring, the easier in the summer. C Caldwell asks if there is a possibility of spraying the rocks twice a year to help, GM replies that the creator did recommend that as well. VP Lorang offers a "weed burner" and that the airport uses that as well. GM continues West Columbia Gorge Chamber of Commerce came to hear about the Port and highlighted the events in the park. VP Lorang was present and saw a councilwoman, and 2 local businesses. P Groves says that the Port used to have a great relationship with the Chamber, GM says that the last time they came was in 2019, before the pandemic. She continues that she attended an event by the Chamber at the Corbett School, a charter school, and all the amazing things they do for the kids, as well as highlighting the history of the Gorge and Sternwheeler. GM says that it would be great to have here, P Groves recalls the roads being crowded from parents bringing their children. C Caldwell says that it is nice to know they are doing that. PCT days is happening this weekend, provided some overflow into House 3 lawn. VP Lorang asks via the new state law, that they aren't long term campers and that it is illegal to kick them out if someone decides to camp there forever. C Stipan adds that there are a lot of squatters on Government Island and so much garbage, with people roping off areas. P Groves says that the natives have the right to kick them out, but the Port legally can't due to new laws. GM says that they have put parameters around this camping such as it only being seasonal and a limit of days. OM Blue says we don't have many issues with hikers and are pretty good about their time. C Caldwell asks if GM should let tribal council know about the squatters on Gov't Island. BOTG run went very well. Milfoil treatment has been completed; the vendor was not as responsive as needed but was completed. Will have procurement documents at the next meeting for the pump-out station repair. Easy Climb saw attention from NWTA. 23<sup>rd</sup> of August for bridge sub-committee and Community Picnic August 26. GM will be asking for some meeting cancellations and special meetings in the future. C Caldwell asks what conference GM will be going to, GM says it is a Summit conference with trainings and for the Commission to let her know if there are any she wants to take. The conference is being held in Salem.

## **C STIPAN MOTIONS TO CANCEL SEPT 15 MEETING; C CALDWELL SECONDS; UNANIMOUS 5-0**

### **5) Commissioner and Sub-Committee Reports**

- a.** C Bump: Nothing
- b.** C Stipan: Was great to see the museum release the book and reiterates about Gov't Island. He talks about work issues with checks.
- c.** C Caldwell: Got 3 books from the museum and Janice Crane signed them all. She was grateful to be a part of it.
- d.** VP Lorang: Nothing
- e.** P Groves: Went to a Region 1 meeting and that we need to keep looking for little fixes to help with the roads and could be revamped. VP Lorang agrees. GM replies that the traffic on WaNaPa has to yield to traffic on freeway, and if we swapped the signs to allow turning lane to go first, could help. VP Lorang adds that the traffic was bumper

to bumper across town due to traffic. C Stipan talks about a car he witnessed going 48 mph on the bridge. C Caldwell tells she uses the Bridgeside parking lot to skip the line for the bridge. P Groves adds that we got the planner to put a report out on our permit for the Harvey Road project but are still far from the bid document and hopes it all comes together when we get the permit.

- 6) Consent Agenda (\*\*\*)Consent Agenda may be approved in its entirety in a single motion. Items are considered routine. Any Commissioner may take a motion to remove any items from the Consent Agenda for individual discussion).
  - a. Approval of minutes for Commission Meeting from August 4, 2022
  - b. Approval of bills in the amount of \$
  - c. Approval of payroll for \$93,997.72

**C CALDWELL MOTIONS TO APPROVE THE CONSENT AGENDA AS STATED; VP LORANG SECONDS; UNANIMOUS 5-0**

- 7) Business Action Items
  - a. Approve Task Orders from STV
    - i. There are two task orders for the bridge engineer with the current contract allowing him to be on call. The second is a project that was originated from an RTC group and bridge subcommittee has discussed the scope of work and timeline for the completion. P Groves would like the bridge assessment go back to the subcommittee. GM asks for approval on task order 3. P Groves asks if this must be a procurement, GM says that it can be by appointment and falls under Professional Services. She adds we are already under agreement with this engineer, and this is for task funding.

**VP LORANG MOTIONS TO APPROVE TASK ORDER 3 FOR PROFESSIONAL SERVICES; C STIPAN SECONDS; UNANIMOUS 5-0**

- b. Approve SDAO Consultant
  - i. SDAO consultant services were previously sent out. Mark Knudson should begin on the 1<sup>st</sup> of Sept and continue through 1<sup>st</sup> on Nov. Port will be billed on an hourly basis if it doesn't exceed \$5,000.

**C CALDWELL MOTIONS TO APPROVE THE CONSULTANT AND WANTS TO CHANGE TASK 1 TO PRIORITY 2 AND TASK 2 TO PRIORITY 1; C STIPAN SECONDS; UNANIMOUS 5-0**

- c. Approve Procurement Policy Discuss Procurement Policy
  - i. Laura begins saying that the procurement makes up for the chapters of statutes in OR and regulations get updated. You can adopt your own procurement codes or go along with states rules. She says that if you have your own rules, you are required to update hem from time to time to make sure they comply. She is here to give a preview and what it means, and that it is going to be a document that looks different from what they currently have and be discussed again at the September meeting. C Stipan asks if state changes come every year, Laura replies they don't come every year but there have been changes depending on what you look at, i.e., public improvement contracts. VP Lorang asks if there is pricing that drives procurement, Laura

replies yes, the Port deals with public procurement mostly. C Caldwell asks if there have been changes in the amounts of what not to exceed, Laura replies yes and there have been changes in the process of it too. P Groves asks if emergency procedure is changed too, Laura says that every state has the main same rules for emergency procurement if it really is one. P Groves asks for the safety of the bridge if something happens. Laura says that it's helpful to know and to include in the next policy, due to the current one requiring the Commission make a motion. P Groves says that often, we have a struggle getting competitive bids and should they go out and get it and then make a move to get less than 3 bids. Laura says yes you can, but not just in CL is this an issue. There is flexibility to record in the procurement document for how you were only able to get 2 bids instead of 3. P Groves continues that for getting a federal contract, the criteria show you need to have several regulations such as apprenticeships and minority companies. GM adds that it is a part of an ARPA grant. Laura says that depending on rules and regulations, you can out it in the contract. GM says that a policy would be for local vendors and if it would be possible to prefer local/in district vendors. Laura says that their recommendation would be to consider the why, if its timing or be on site within a certain amount of time, because the real danger could be trying to impede on interstate contracts. She says that it can be out into the procurement code and make it apart of criteria. GM says that the Ports mission is to build infrastructure in the community and add to it that they help support local businesses. P Groves asks if the Commission must accept the lowest bid, Laura says that it depends on the procurement but normally are required to accept the most responsive and lowest bid. P Groves gives an example of the Sternwheeler repower project and asks since one bid was the most responsive, but most expensive, would it be the one they accept? Laura replies that you don't have to accept it, but she would have to see the documents if it's a requirement, but the Port can accept anything that is relevant. GM asks Laura to review what was decided to do for an already issued procurement, and that there could be other components that would need to be changed out based on all costs rather than just engines. P Groves adds that the bid for a company includes some parts, but others don't. GM says that Mark Troutman put together the bids and may end up going to another dealer for other bids, if we get what is needed. GM says that this is a public bid so that whoever is paying attention, knows that Port is looking for engines.

**d. Approve Expense of \$24,000 for Recruitment Services**

- i. This is billed at salary that we already offer. There are 2 proposals. Robert H has a slightly large client pool, Boly W has a limited pool of clients. C Stipan asks if both are asking for 30%. GM says she previously knows Robert H at 27%. C Stipan asks when they would be able to start, GM says immediately.

**VP LORANG MOTIONS TO APPROVE THE EXPENSE OF \$24,000 FOR RECRUITMENT SERVICES FOR ROBERT HATH ALLOWING COMMISSION PRESIDENT GROVES TO SIGN; C CALDWELL SECONDS; UNANIMOUS 5-0**



- e. Approve Increase of Salary Range for Accountant from \$50,000-\$70,000 to \$50,000-\$80,000
  - i. Document provided from both companies recommend the midpoint salary with 3-5 years' experience. P Groves asks for difference between CFO and accountant. GM replies that the accountant is to make sure everything is recorded in regulations and prepares the statements. CFO has a broader responsibility and to participate in financial planning to be able to help SBP. GM replies we get lucky with an accountant who can do more and would be a great idea to hire a "unicorn" and record things correctly and analyze the agreements the Port gets into, as well as investment deals. P Groves adds that most companies have CFO's, VP Lorang adds that his daughter was an assistant "controller". CFO reports to CEO normally but in a Port, is that they would report to the GM. C Stipan compares the museum of them hiring an executive director who is able to find grants and that people in these positions helps generate money. GM wants to amend the action item to instead for the range to be extended \$60,000 instead of \$50,000.

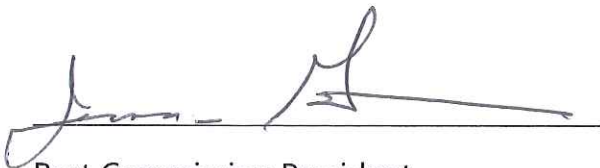
**VP LORANG MOTIONS TO APPROVE THE RANGE SALARY OF \$60,000-\$80,000 FOR THE ACCOUNTING POSITION AND BE ABLE TO OFFER UP TO \$80,000; C CALDWELL SECONDS; UNANIMOUS 5-0**

- 8) Executive Session under ORS.192.660(2)(e) Real Property Negotiations
  - a. Out of Regular Session, Into Executive Session at 7:53 pm
  - b. Out of Executive Session, Into Regular Session at 8:34 pm

**C STIPAN MOTIONS TO EXTEND HEUKER AGREEMENT AS LONG AS HEUKER PROVIDES PRELIMINARY DRAWINGS FOR THE BUILDING PROPERTY BY JANUARY 2023; C CALDWELL SECONDS; UNANIMOUS 5-0**

- 9) Adjournment at 8:36 pm

Port of Cascade Locks



Port Commission President

Jess Groves



Port Commission Secretary/Treasurer

Joienne Caldwell

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting by contacting the Port of Cascade Locks office at 541-374-8619.*