

**PORT OF COLUMBIA COUNTY
MARCH 29, 2023
COLUMBIA CITY, OR 97018**

The Port of Columbia County held a Commission meeting at 8:30 A.M. on Wednesday, March 29, 2023, at the Port Office, 100 E Street, Columbia City, Oregon, and via Zoom video conferencing, with the following present:

Commissioners

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| Robert Keyser | President |
| Chip Bubl | Vice President |
| Chris Iverson | 2 nd Vice President |
| Nancy Ward | Secretary |
| Brian Fawcett | Treasurer |

Guests

| | |
|------------------------|--------------------------|
| Natasha Parvey | NEXT, Zoom |
| Duane Neukom | Zoom |
| Betsy Johnson | |
| Jasmine Lillich | Zoom |
| Alta Lynch | Zoom |
| Mike Smith | |
| Henry Schulte | |
| Paul Langner | |
| Michael Greisen | |
| Andrew Cox | |
| Clayton Eveland | |
| James Kirby | Century West Engineering |

Staff

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|--------------------------------|--------------------------------|
| Sean P Clark | Executive Director |
| Bob Gadotti | Exec. Finance Mgr. |
| Robert Salisbury | Port General Counsel |
| Brittany Scott | Exec. Assist. /Office Coord. |
| Elizabeth Millager | Exec. Assist. Operations |
| Miriam House | Operations Manager |
| Elliot Levin | N. County Ops. & Terminal Mgr. |
| Amy Bynum | Real Est. & Bus. Dev. Mgr. |
| Sydell Cotton – Zoom | Acct. & Payroll Specialist |
| Susie Tolleshaug – Zoom | Administrative Assistant |

Guests Continued

| | |
|-----------------------|------------------------------|
| Keith Forsythe | |
| Dan Overcast | |
| Kellie Smith | |
| Paul Vogel | Columbia Economic Team, Zoom |
| Doug Bean | Zoom |
| Greg Pettit | Zoom |
| Timaheus G. | Zoom |

The Port of Columbia County Commission meeting was called to order at 8:30 A.M. by President Robert Keyser.

Robert Keyser asked if there were any additions to the agenda. Robert Salisbury said yes. We need to add that Executive Session will be under 192.660(2)(e) for real property transactions and 192.660(2)(h) for consulting with counsel.

Consent Agenda

Chris Iverson moved, Nancy Ward seconded a motion to adopt consent agenda item A: March 8, 2023, minutes. The motion carried unanimously.

Public Comment

Paul Vogel (Executive Director at Columbia Economic Team) thanked Robert Keyser and the Commissioners for the opportunity to speak in support of the Port's action to affirm the Through-The-Fence (TTF) operations at the Scappoose Airport. Mr. Vogel mentioned drawing from considerable information available from the FAA and others. TTF operations occur when an airport sponsor gives ground access permission to a private party so that the user can access the airport air site infrastructure and engage in associated activities from an adjacent property. More actively stated TTF operations mean the use of the airport property by operators offering an aeronautical activity on land adjacent to the airport property. Mr. Vogel mentioned that the more practical definition would be that it maximizes use, revenue, and value for public airports like Scappoose. The Columbia Economic Team on behalf of its public agency and private industry members and the entire county it serves both encourages and applauds the Port Commissions revalidation, reconfirmation, and reclarification that the Scappoose Airport is open for business.

Old Business

Scappoose Bay Marina Dredging Project and Marina Improvement Update

Sean Clark mentioned that the Port submitted two OSMB grants. One is for the upland work, and one is for the dredging. The dredging request is for \$970,000 which requires a 50% match of \$970,000. We will find out if our application gets accepted on June 28th.

Airport Use Permit (Through-The-Fence)

Amy Bynum introduced James Kirby from Century West Engineering. Mr. Kirby provided a PowerPoint presentation

for the Commissioners about the Through-The-Fence (TTF) operations which is on file at the Port office. Robert Keyser wants to hear the current lay of the landscape and where we are now. Mr. Kirby started off with the TTF context. He said that we first have to understand the Federal Aviation Administration (FAA) requirements. Mr. Keyser wanted to put on the record that the Port has no one that has a residential TTF. Mr. Kirby mentioned that he will be talking about commercial TTF only. There are eight grant assurances for the FAA requirements. Any TTF activity that you accommodate through agreements has to be rooted in safety and compliance. Mr. Kirby presented two slides that listed the Airport Sponsor Grant Assurances. Chris Iverson asked that the Port put this on their website. Mr. Kirby spoke about Evaluating Commercial TTF Requests at Scappoose Airport. The Airport Master Plan (AMP) is the guide moving forward and it includes TTF considerations. TTF has been part of the plan for many decades. There are TTF Access Points on the Airport Layout Plan (ALP). The ALP is the guide for FAA moving forward to delegate grant money to the airport in the future. If it is not on the ALP it is not going to get built. Mr. Iverson asked if the FAA approves that. Mr. Kirby said they are specific on what they approve. FAA does not approve the AMP itself; they approve the ALP which is the diagrammatic piece of that plan. There are three TTF access points on the East side and one on the West side of the airport. The FAA has seen and approved those. Scappoose falls under the Metro Urban General Aviation (GA) airports. The three other airports in GA are Hillsboro, Troutdale, and Aurora. Hillsboro and Troutdale are controlled by the Port of Portland and the barrier to entry is high. There is a big demand in these two areas. The state owns the Aurora Airport. A quarter of that airport is in mid-field and everything else around them is built for TTF use. When a commercial TTF request and you're opens up an access point, the airport could receive a lot of growth in a short amount of time. When a commercial TTF is opened up, the potential is there that we could have a Fleet Mix Change. This leans towards larger business aircraft activity. When you think about the rent verse own model. Everyone wants equity in what they have, so when you are talking about a land lease with a building improvement on it with a reversion clause at the end of that lease that can be offered on the airport versus buying the land, building a structure, depreciating that and having to liquidate it yourself. So, owning off airport is a much more attractive model. The potential is that we could have an ARC change which is also discussed in the master plan. ARC change is a fancy word for saying wider aircraft, bigger wingspan, and larger weights. If the Port brings in wider planes with wider wing spans, we will need to move those facilities out to accommodate for the FAA standards. Is it a bad thing? No, but it is something we should think about and plan for in the future. Mr. Iverson asked if we are limited by the length of our runway. Mr. Kirby answered by stating that larger jets cannot be accommodated at Scappoose but look at Aurora with a similar runway that is the same length more or less. They are accommodating larger jets there, but they are limited by field length. The weights are limited by your field length which is called a constrained load. Mr. Keyser asked what the maximum runway length in the AMP is. Mr. Iverson mentioned that they talked about 5,900 feet at one point. Mr. Kirby stated that there is a limitation and when you get out that far you have something called a Runway Protection Zone (RPZ) that has to be beyond the end of the runway. The RPZ has to be inside a road or a residential area. Your ALP may need to be revisited as the Fleet Mix and ARC change. Runway looks at the weight-bearing capacity. When you start putting larger aircraft on the pavement it will wear the pavement out quicker. That is why you need to consider the impact on the pavement. You can see this in Aurora. The taxiway and runway are aging pretty quickly. It is also important to maintain access control in a secured perimeter of the airport, but there are costs to all of this. The easiest way is to place a gate with a clicker. In the context of Port resolutions, the Port needs to update and revise restrictions and prohibitions. Finally, you need to include grounds for resubmission or denial. Mr. Keyser asked if there was a difference between someone flying in from the East Coast and someone coming in right next door. Mr. Kirby stated that it has to do with the grant assurances and leveling the playing field. Nancy Ward mentioned that she was hung up on by security and to whom the clicker for the security gate belongs. Mr. Kirby said there are lots of different ways to set up a code. TTF operator becomes responsible for the safety and security obligations. Maybe you will need to include language in the Agreement about who deals with the maintenance of the airport. Ms. Ward mentioned that this is complex and a huge deal. She would like to go to Aurora and talk to people out at their airport. Mr. Kirby mentioned that they could talk to Tony Beach and go for a site visit. He thinks Aurora has maybe a dozen TTF Agreements. Ms. Ward asked if Aurora has a tower. Mr. Kirby answered yes it does. Scappoose is the only one out of the four GA airports that do not have a tower. FAA reacts to what's there. It is not a build it and they will come. It's a build-it for what's there now. Chip Bubl mentioned that this is a very complicated discussion because it ties in our old long-term plan to a vision of a new one that we don't have yet. There is a lot to this. Mr. Kirby said yes there is. There are a lot of ways the airport could go and a lot of benefits. Robert Salisbury stated that we have had TTF agreements for over fifty years at the Scappoose Airport. Our fixed-based operator had their first TTF permit before we had TTF agreements. It was called an Ingress Egress Agreement in 1991 with Transwestern. Mr. Iverson asked if the Port is compliant with FAA. Mr. Salisbury answered yes. Brian Fawcett asked if there was a

minimum-security requirement. Mr. Kirby mentioned there is going to be staff time, education, enforcement, and stakeholders. Mr. Clark acknowledged and thanked the Scappoose Advisory members in attendance.

Columbia County Development Agency Update

Bob Gadotti mentioned that the rail and water loans have been paid off. Mr. Gadotti asked the County Accessors Office if taxpayers would see the CCDA on our tax statement and the answer they told Mr. Gadotti was as of now yes, until the CCDA seizes operations.

New Business

Resolution 2023-07

A RESOLUTION APPROVING AN AIRPORT USE PERMIT WITH TRANSWESTERN AVIATION INC AT SCAPPOOSE AIRPORT

Amy Bynum introduced Resolution 2023-07 and affirmed that the Port does have a Through-The-Fence (TTF) Policy. Following that policy, the Scappoose Airport Advisory Board reviewed and approved the Transwestern application in their meeting on March 20, 2023. Ms. Bynum mentioned some minor amendments to the application, including the wording "accessory administrative office," a \$315.00 per month fee and insurance rates at a minimum of \$2 million per occurrence. Ms. Bynum then introduced Betsy Johnson.

Betsy Johnson mentioned that she started a helicopter company in Hillsboro in 1977 and also came to the Scappoose Airport during that year as well. Transwestern has been at Scappoose providing Fixed Based Operator (FBO) services during this time. Operations for take-off and landing drive the Federal Aviation Administration (FAA) investment. Ms. Johnson mentioned that Transwestern has had such low fuel prices to drive operations, to drive FAA to want to fund us. Transwestern has been the functional airport manager for a long time. Transwestern is the first-place people see when they come in, provide computers, and car rentals, clean up after crashes, and answered Emergency Located Transmitters (ELT). Transwestern has considered itself as a partner with the Port of Columbia County. Ms. Johnson mentioned that she is looking forward to working with Amy Bynum and Robert Salisbury to reestablish the relationship. Ms. Johnson hopes that Chris Iverson's suggestion to publicly affirm the TTF will happen. This will be critically important to people that have made significant financial investments.

Chris Iverson moved, Brian Fawcett seconded a motion to approve Resolution 2023-07, authorizing the Board President to execute a new Airport Use Permit with Transwestern Aviation Inc. The motion carried unanimously.

Letter From Clayton Eveland

Amy Bynum introduced Clayton Eveland to the Commissioners. Mr. Eveland owns the company called Flying Aces. Mr. Eveland represents an investor that is interested in purchasing property for sale in Scappoose known as the Columbia Commerce Center and had sent a letter to Ms. Bynum to see if the Port would give assurances of Through-The-Fence (TTF) access to the Scappoose Airport. Mr. Eveland's client doesn't want to buy the property unless he is certain he can get TTF access and a future Airport Use Permit. Chris Iverson asked Robert Salisbury if this would comply with the Federal Aviation Administration (FAA) grant assurances. Mr. Salisbury said yes it does comply. Commissioners agreed to have Port staff work with Mr. Eveland to provide non-binding assurances as long as any such assurances are conditioned upon later approval of any formal application and site plan by the Port Commission. The Port cannot provide any concrete assurances until an Airport Use Permit application has been submitted for the project.

Resolution 2023-08

A RESOLUTION APPROVING A FORMER CLIENT CONFLICT WAIVER FOR PRIOR PORT COUNSEL ON THE PORT WESTWARD REZONE

Brian Fawcett moved, Chip Bubl seconded a motion to approve resolution 2023-08, authorizing the Executive Director or his designee to sign the attached Waiver of Potential Conflict of Interest letter from Mr. Parsons dated March 20, 2023. The motion carried unanimously.

South First Ave Discussion

Elizabeth Millager gave an update to the Commissioners about the property on First Ave. Ms. Millager presented a map to show the property. There was also a photo of the no trespassing signs that are placed on Port property. Ms. Millager mentioned that the Port asked that the Singletons move their cars off of our property. The Singletons moved a few of the cars. The Port informed all of the neighbors that the Port was having the property surveyed. Ms. Millager mentioned that the Port had placed Jersey blocks and cable along the entrance to our property so no more cars could get in. Someone placed a pile of wood planks by the cables to form a ramp and placed two nails to hold the cable down so they can drive over it. Ms. Millager concluded by stating that Sean Clark is recommending

that the Port sell this property. Nancy Ward asked if the property would be sellable. Robert Keyser answered that the property would be discussed in executive session.

Capital Projects Budget Discussion

Bob Gadotti presented the Capital Projects Budget to the Commissioners. Mr. Gadotti would like Commission input and direction on prioritizing the budget for the projects. Mr. Gadotti provided a form to the Commission that showed the projects as well as the estimated cost for each project. The Scappoose Bay Marine Park dredging is a priority. The improvement project for the marina will make it more attractive and useful but will cost about \$1.9 million in the first year and \$3.8 million in the second year. The Multnomah shop building project will cost approximately \$2 million. The Dock resilience project for Berth 1 and 2 at Port Westward will cost \$1.5 million per year over 3-4 years. Finally on our list is an office remodel for \$850,000. Mr. Gadotti mentioned that these are the top five projects. Robert Keyser suggested that Commissioners rank the five projects from most important to least and return the forms provided to Mr. Gadotti.

Betsy Johnson stated that there is a current opportunity for the extension of the water line on the East side of the Airport. Ms. Johnson asked Mr. Freeman if he would lend a stub to build a waterline to service the airport and Mr. Freeman agreed. Ms. Johnson mentioned that this is a clear and present opportunity and hopes it doesn't get forgotten as a budget priority.

Executive Director's Report

Provided and read by Sean Clark, which is attached to the file copy of the Minutes.

Commissioner Reports

Chip Bubl mentioned that he went to Clatskanie with Sean Clark, Elliot Levin, and Nancy Ward to meet with the Agricultural Committee and that the meeting was very productive and worth the time.

Brian Fawcett mentioned that he received a lot of calls about the airport. He also attended the Scappoose Marina Advisory Committee. Mr. Fawcett said there was a lot of good discussion about the projects as well as issues with fishing in the channel. There is also a new member who will be introduced at the next meeting. He would also love to hear more about the charging stations that are being planned to go at the marina. He isn't concerned about the space because people drive electric vehicles to the marina already.

Chris Iverson stated that there were quite a few phone calls about the airport issues that have been discussed. He would like to remind staff that spring fishing is in effect and the parking lot will be full. We might also need extra staff out there to help. Mr. Iverson is also concerned about the electric vehicle stations taking up more parking spots at the Marina. Mr. Iverson would like an update on NEXT and see where they are at and "keep pushing that rock up the hill."

Nancy Ward mentioned that it is "pushing a rock up the hill." They met with the US Army Corps of Engineers (USACE). USACE was extremely helpful and interested but were not aware of any of the issues NEXT has run up against. The USACE staff person made a call to Portland and within an hour we received an email. Ms. Ward mentioned that everywhere they went in Washington D.C. and at every opportunity, they were talking about the permitting process. She also said that they were told by everyone they met that there is more money coming to deal with permitting. One of the big problems is that they don't have enough staff and the problem is not going to resolve itself overnight. They met directly with Representative Bonamicci whom Ms. Ward commended for all of her hard work and her knowledge of all of the issues that she has been dealing with. Rep. Bonamicci assured us that her staff is also working with USACE to see if there is any way to move things a little quicker and faster. Rep. Bonamicci is also not in a position where she can vocally support the project but supports the process. Ms. Ward mentioned that they also met with both Senator Merkley and Senator Wyden's staff. Senator Wyden's staff was very active in trying to move the NEXT project along. Chris Efrid was in Washington D.C. for another conference. Mr. Efrid was also meeting with potential investors while he was in D.C. Ms. Ward learned a lot about industries that use our rivers to ply their trade. She had the opportunity to talk to wheat farmers from Idaho and get a general sense of how much the river means to this industry. Ms. Ward learned a lot by talking to the experts in their field. Ms. Ward went to the Agricultural Meeting and is so pleased with the open line of communication that has been built up over these last four meetings. Also, the level of trust has changed from meeting one to meeting four. The Agricultural Committee is communicating on a different level than we have in the past. All we can do is build on that.

Robert Keyser mentioned that the Agricultural Committee was eager for land and then they quit looking. Nancy Ward said it went nowhere because of money. Mr. Keyser stated without changing the Commission job description, maybe we can start a community fund. Mr. Keyser said maybe we can provide 200 acres out of the 800 acres. Mr. Keyser informed the commission that Representative Bonamicci is having a local elected official meeting on April 11th and hopes that the Commissioners can go. Mr. Keyser saw the Chief of the Federal Aviation Administration (FAA) in a public event talking about the future of the FAA. The biggest problem they are focusing on is that there are no spots available for planes. One thing is that the FAA is reactive and not proactive. Mr. Keyser wants to be proactive and keep in touch and keep up on the issues.

Executive Session

The Board held an executive session to conduct deliberations with persons designated by the governing body to negotiate real property transactions pursuant to ORS 192.660(2)(e) and consulted with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed under ORS 192.660(2)(h).

THERE BEING NO FURTHER BUSINESS BEFORE THE COMMISSION, THE MEETING ADJOURNED AT 11:19 A.M.

President

Secretary

April 12, 2023

Date Adopted by Commission