



COMMISSION WORK SESSION

MARCH 27, 2024, 8:30 A.M.
100 E STREET
COLUMBIA CITY, OR 97018

The Port Commission Meeting will be in person. In accordance with state law, the meeting will be accessible via telephone or Zoom. Members of the public may attend the meeting electronically by: <https://us02web.zoom.us/j/85442859230>

Call-In: (253) 215-8782

Meeting ID: 854 4285 9230

Passcode: 464770

I. CALL MEETING TO ORDER (President, Robert Keyser)

- A. Flag Salute
- B. Roll Call

II. ADDITIONS TO AGENDA

III. CONSENT AGENDA

- A. [Minutes: February 14, 2024](#)

IV. COMMENTS FROM THE PUBLIC

(Limited to 2 min. per person unless prior authorization is obtained)

V. NEW BUSINESS

- A. [FY25 Capital Budget Priorities](#)
- B. [Resolution 2024-04](#)

**Guy Glenn Jr.
Elliot Levin**

DECLARING THE DOCK INCIDENT AN EMERGENCY
FOR PUBLIC CONTRACTING SERVICES AND APPROVING
\$1 MILLION FOR DOCK REPAIRS

VI. EXECUTIVE DIRECTOR'S REPORT

VII. COMMISSIONER REPORTS

VIII. EXECUTIVE SESSION

The Commission will hold an Executive Session to consider exempt public records, including written legal advice from Port General Counsel, which is privileged under ORS 40.225 and exempt from disclosure under ORS 192.355(9)(a) and ORS 192.660(2)(f).

IX. ADJOURNMENT



Upcoming Meetings and Events

Apr. 10	8:30 AM	Port Commission Meeting
Apr. 24	TBD	Port Commission Work Session
Apr. 29	11:30 AM	Agricultural Information Committee Meeting: <i>Clatskanie Food Hub</i> <i>80 Art Steele St.</i> <i>Clatskanie, OR 97016</i>
May 7	5:30 PM	Marina Advisory Committee Meeting

Agenda times and order of items listed are estimated and are subject to change without notice. This facility is ADA-accessible. If you need special accommodation, please contact the Port office at (503) 397-2888 or TTY (800) 735-1232, at least 48 hours before the meeting.

Pursuant to ORS 192.640 (1) the Port of Columbia County Commission reserves the right to consider and discuss, in either Open Session or Executive Session, additional subjects which may arise after the agenda is published.



COMMISSION MEETING MINUTES
FEBRUARY 14, 2024
100 E. STREET
COLUMBIA CITY, OREGON 97018

The Port of Columbia County held a Board meeting at 8:30 a.m. on Wednesday, February 14, 2024, at the Port office and via Zoom (*) video conferencing with the following present:

Commissioners

Robert Keyser	President
Chip Bubl	Secretary
Nancy Ward	2nd Vice President
Nick Sorber	Treasurer

Staff

Sean P. Clark	Executive Director
Robert Salisbury	Port General Counsel
Guy Glenn, Jr.	Executive Finance Manager
Miriam House	Operations Manager
Elliot Levin	North County Ops. & Terminal Mgr.
Susan Tolleshaug*	Administrative Asst.

Guests

Eric Zehntbauer, CPA*	Kern Thompson
Bob Gadotti	Fmr. Exec. Finance Mgr.
Jan Schollenberger	Columbia City Resident
Kim Karver	Interim Columbia City Mgr.
Carol Sweet	Scappoose Resident
Annie Christensen	St. Helens Resident
Dan Serres*	Columbia RiverKeeper
Dee Dee Lively-Andrews*	Clatskanie Resident
Tom Gordon*	Washougal, WA Resident
Diana Gordon*	Washougal, WA Resident
Brady Preheim*	St. Helens Resident
Sandy Moilanen*	Clatskanie Resident

Elizabeth Millager	Operations Coordinator
Christa Burns	Administrative Asst. II
Lacey Tolles	Data Res. & Projects Spec. / Interim Airport Mgr.
Gina Sisco	Comm. & External Affairs Mgr.

Guests (cont.)

Jasmine Lillich*	Clatskanie Resident
Brandon Schilling*	Clatskanie Resident
Mark Keely*	Kalama, WA
Kevin Andrews*	

President Robert Keyser called the Port of Columbia County Commission Meeting to order at 8:30 a.m. All Commissioners were present except for Brian Fawcett who was out of town.

Additions To Agenda

Robert Keyser asked the Commission if there were any additions to the agenda. There were no additions. The Fiscal Year 2023 Audit Report was moved up on the agenda to follow Comments from the Public.

Consent Agenda

Mr. Keyser asked for a motion to approve the consent agenda. Nancy Ward moved; Nick Sorber seconded a motion to adopt consent agenda items A, B, C, and D: January 10, 2024, Minutes, Financial Reports: January 2024, Approval of Check Register (A) and electronic payments in the total amount of \$444,982.50, and Budget Calendar. The motion carried unanimously.

Comments From the Public

Carol Sweet declared she is Chair of Envision Columbia County and they have been fighting the trains for a long time. Ms. Sweet stated she had read the letter sent to the Port by NEXT Renewables (NEXT) requesting a rent deferral. She said she recently attended the open public hearing with the County and there were six seats for the public, and the rest of the seats were reserved for the other party. Ms. Sweet stated she does not think the Port should grant NEXT's rent deferral request.

Annie Christensen of St. Helens stated she is one of the co-founders of Envision Columbia County. She thought NEXT looked like a good project and her issue is with the rail. She had previously spoken to the Port about the trains, and she had not been particularly concerned about NEXT, until recently, because it looked like a viable project. Ms. Christensen said now it looks like the NEXT proposal has changed. She is also concerned that their promise to ship in and ship out has changed. She said that when a tenant cannot pay their rent, it is not an effective strategy to blame the landlord. Ms. Christensen provided a copy of the NEXT SEC filing to the Commission.

Comments From the Public (Zoom)*

Dan Serres, Advocacy Director with Columbia Riverkeeper, commented to urge the Port not to pass Resolution 2024-03 for a rent deferral for NEXT. Mr. Serres stated that the Port should table the resolution today.

Dee Dee Lively-Andrews of Clatskanie urged the Port to reconsider the proposed NEXT project. Ms. Andrews asked whether the deferral would continue until the project is approved and, if so, approved by whom. She stated it is her belief that the Port should not pass Resolution 2024-03.

Tom Gordon of Washougal, WA asked the Port to deny Resolution 2024-03. Mr. Gordon stated that the Port of Camas-Washougal put rooftop solar panels on some of their existing buildings and suggested the Port of Columbia partner with local electric utilities to do the same.

Diana Gordon of Washougal, WA also stated her opposition to Resolution 2024-03. Ms. Gordon inquired whether NEXT would pay the difference in the rent. She also added the importance of the trust and goodwill of the people.

Brady Preheim stated that he also requests the Port to deny Resolution 2024-03. Mr. Preheim said he would fully support a renewable diesel plant at Port Westward.

Mark Keely, Kalama, WA, asked why NEXT cannot pay the full rent and urged the Port to reject Resolution 2024-03.

Jasmine Lillich of Clatskanie commented to encourage the Port to vote against Resolution 2024-03. Ms. Lillich stated that, as landlords, the Port needs to ask NEXT for their financials for the past two years, and the community needs to understand where NEXT is financially. She would also like the Port to consider the significant impact on the community and said this should have been discussed in a previous meeting before being brought to a vote. Ms. Lillich said NEXT needs to be transparent and asked why Chris Efrid is not here to answer questions.

Brandon Schilling echoed the previous public comments and stated his opposition to Resolution 2024-03.

Kevin Andrews stated he is opposed to Resolution 2024-03 which would modify the existing agreement between the Port and NEXT.

New Business

Fiscal Year 2023 Audit Report

Eric Zehntbauer, CPA, Kern Thompson, gave a PowerPoint presentation via Zoom on the Fiscal Year 2023 Audit Report. Kern Thompson performed an annual audit of the Port's financial statements for the year ended June 30, 2023. Mr. Zehntbauer began with the Governance Letter, which gave an overview of the audit report. The auditors provided a qualified overall opinion of the Port's finances based on generally accepted United States accounting standards. The Port's financial statements were found to be neutral, consistent, and clear. There were no difficulties or disagreements with management, and no material misstatements. All significant transactions were recognized in the financial statements in the proper period. The Port received an overall clean audit. Mr. Zehntbauer said it was a pleasure working with Sean Clark, Bob Gadotti and Guy Glenn, Jr. Robert Keyser expressed his appreciation of former Port Executive Finance Manager, Bob Gadotti, and his many years of leadership, and he thanked Guy Glenn, Jr. for his due diligence in the Port's financial decisions. Mr. Keyser also acknowledged Eric Zehntbauer for his time and thanked him for the audit presentation.

The Fiscal Year 2023 Audit Report is on file at the Port Office and on the Port Website at www.portofcolumbiacounty.org/finance/page/audit-report-2023

Comments From the Public (Phone)

Sandy Moilanen of Quincy stated she had been having trouble getting through to the public meetings with the Port and the County. Mr. Keyser explained that he had previously reached out to help her get connected with the public meetings, and that she is always more than welcome to comment. Ms. Moilanen urged a no vote on Resolution 2024-03.

Old Business

Scappoose Airport Update

Lacey Tolles, Interim Airport Manager, gave an update on the projects at Scappoose Airport. Ms. Tolles mentioned at the last meeting on January 31, 2024, that the Port had applied for six Oregon Department of Aviation (ODAV) grants. Ms. Tolles announced today that the Port has been awarded four of those grants, two of which include award amounts of \$39K for westside pavement and \$40K for runway rehabilitation. The emergency generator project is moving forward. Ms. Tolles met with the electrician last Thursday, February 8, and both generators have been ordered. Mr. Keyser asked about the supply chain issue, and Mr. Tolles replied that each generator is backordered for 31-36 weeks. She will keep the Commission updated on that timeline. Northeast Electric out of Woodland, WA is facilitating the order. Nick Sorber asked about site preparation, and Ms. Tolles explained that there will be a pre-construction meeting followed by staging. They plan to do as much prep work as possible before the generators arrive. Ms. Tolles has also been working with Mr. Clark and Mr. Salisbury on the Moore Road easement for the Columbia Commerce Center project. There are no pending Through The Fence agreements.

Port Westward Dock Update

Elliot Levin, North County Operations & Terminal Manager, updated the Commission on the progress made towards restoring service at Port Westward since the last meeting. In the coming weeks, the temporary walkways will be replaced with permanent gratings and handrails. The remaining work will be completed next month.

Ms. Ward asked when the first shipment will be made, considering they get the approval. Mr. Levin replied that nothing has been scheduled yet and there have been no rail car activity reports. Mr. Keyser asked about the width of the walkway and whether it is complete. Mr. Levin said the walkway is 30 inches wide and confirmed that it is complete. Mr. Sorber inquired about existing issues on the main dock and Mr. Levin explained that some of the pipeline was relocated and utilized for the replacement pipe rack along the rail line. The Commission thanked Mr. Levin for the dock update.

Lignetics/Neighbors Update

Sean P. Clark, Port Executive Director, informed the Commission that he attended a community meeting on Tuesday, February 13 at Columbia City Hall. Also in attendance were Port Commissioner, Nancy Ward, Lignetics Plant Manager, Steve Nelson, Vice President of Lignetics, Mike Sale and Columbia City residents. There was a lot of feedback from the community and questions about past practice with the Port. Mr. Clark stated that Commissioner Ward did a good job of addressing those questions. Mr. Clark reaffirmed that both the Port and Lignetics want to be good neighbors. Mr. Clark stated DEQ is going from a simple to a standard permit, which will involve more oversight and more frequent testing. Mr. Sale presented some improvements that have been made by Lignetics including the dual cyclone and two scrubbers, implementing automatic sprayers for the truck unloading station, and keeping smaller product piles on hand. There has been no upgrade to the hammermill transformer yet, but it will be part of future capital plans. They discussed re-routing the truck traffic to another entrance, but the lack of a stoplight may be an issue. Mr. Clark said he continues to work with Nate Stice of the Governor's Regional Solutions team to help facilitate and speed up the timeline.

Columbia City resident, Jan Schollenberger thanked Commissioner Ward and Mr. Clark for attending the community meeting. Speaking on behalf of the neighborhood, she said they are frustrated because the situation has gone on for so long. Ms. Schollenberger asked about a handout on the updated timeline that she was told would be provided, but she said it was only displayed on a screen. Mr. Clark said he would follow up on copies. Ms. Schollenberger also expressed disappointment that the Oregon Department of Environmental Quality (DEQ) did not show up to their community meeting on February 13. She urged the Port and all involved parties to put more pressure on DEQ.

Nancy Ward suggested having an annual digest to introduce new Port Commissioners to ongoing concerns. She would like it to include key issues from the community's viewpoint. Chip Bubl seconded what Commissioner Ward said, as he was under the impression that there had been an effort to solve it. Mr. Keyser agreed and stated that he appreciates the collaboration now.

New Business (cont.)

Resolution 2024-03

AUTHORIZING THE PORT TO ENTER INTO A THIRD AMENDMENT TO GROUND LEASE WITH NEXT RENEWABLE FUELS, OREGON, LLC.

Executive Director, Sean P. Clark presented Resolution 2024-03. Mr. Clark stated that NEXT has paid \$3.5M in rent payments to date and has been in the permitting process for many years. The Environmental Impact Statement (EIS) process requires the draft EIS to be published followed by a public comment period. Therefore, the EIS is expected to be issued in January or February 2025. The total amount owed by NEXT would be deferred until there is a project approval decision, at which time they would pay in full with 18% interest. Mr. Keyser stated that NEXT was given a lease option rate when they secured that property. He considers the option rate favorable due to the project being pushed out by the U.S. Army Corps of Engineers. Deferring the rent would allow the Port to collect some of the rent and try to secure the remaining amount, versus cancelling the lease and getting zero. Port Counsel Robert Salisbury pointed out that the lease option rate of \$15,000 per month could have continued for longer.

Commissioner Bubl suggested the Port collateralize the rent with a lease payment bond or a property lien. He cannot vote for it without some type of assurance. Commissioner Sorber stated he will be voting in favor of Resolution 2024-03. Nancy Ward stated she will not be voting in favor and raised concerns about treating tenants differently. Ms. Ward said from a tax standpoint, we need this project, but at what cost? She asked about the criteria for making these decisions and the possibility of tabling the resolution. The public has not been given enough notice and the community should have an opportunity to weigh in. Robert Keyser stated he is in favor and would like the Port to look into gaining control of the neighboring 25 acres to protect the asset. Mr. Keyser also supports tabling the resolution to gain more clarity to secure the debt.

The Commission came to consensus to table Resolution 2024-03 until the March 13, 2024, meeting.

Executive Director's Report

Provided and read by Sean Clark. The Executive Director's Report is on file at the Port Office.

Commissioner Reports

Chip Bubl reported he has been reading over the agenda materials.

Nick Sorber thanked Port staff and commended Elliot Levin for his work with the Port Westward dock repair, including phone calls, emails and the legwork involved.

Nancy Ward echoed Mr. Sorber's appreciation and commented that the emergency permit was received right away.

Robert Keyser agreed and added that the dock work was complicated. Mr. Keyser thanked Sean Clark, Elliot Levin, and Robert Salisbury for dropping everything to accommodate a last-minute meeting regarding the status of the dock. He stated that nobody is prohibited from participating in public meetings, all opinions are welcome, and all are invited to attend and speak at the Port Commission meetings. He also indicated that anyone who wants to use the dock will need to know the condition of the dock well ahead of any siting decision.

Executive Session

Port General Counsel, Robert Salisbury announced that Executive Session was listed on the agenda, but the Commission decided there will be no Executive Session.

**THERE BEING NO FURTHER BUSINESS BEFORE THE COMMISSION, THE MEETING
ADJOURNED AT 10:24 A.M.**

President

March 27, 2024

Date Adopted by Commission

Secretary



FY25 Capital Budget – Work Session

STAFF REPORT

DATE: March 27, 2024
TO: Port Commission Board
FROM: Guy Glenn
Executive Finance Manager
RE: FY25 Capital Budget Priorities

Discussion:

Projects have been identified by staff, including estimated costs, for the upcoming FY25 Capital Budget currently being developed. When applicable, we spread some of the project costs over the next several fiscal years. Looking at the next several years will help inform us of our projected expenditures for future budgeting purposes.

We would like your input on prioritizing these projects to develop a prudent budget for FY25 and continue managing our resources in a fiscally responsible manner going forward.



Res. 2024-04
STAFF REPORT

Declaring the Dock Incident
an Emergency and Approving
\$1 Million for Dock Repairs

DATE: March 27, 2024
TO: Commission Board
FROM: Elliot Levin, North County Operations & Terminal Manager
RE: Declaring the Dock Incident an Emergency for Public Contracting
Approving a not-to-exceed amount of \$1 million for Dock Repairs

Discussion

On November 12, 2023, a tug and barge went off course and collided with the Beaver Dock at Port Westward (“Dock Incident”), causing significant damage to the Beaver Dock and creating a risk of release of fuel into the Columbia River. The U.S. Coast Guard and other agencies were notified, and an Incident Command System was established at Columbia Pacific Bio-Refinery (“CPBR”) to direct the emergency response, which was successfully completed on November 20, 2023.

Since that time, CPBR has continued to work with the Port in managing the restoration of operations at the dock. This included a dock assessment, debris removal, restoration of the fire system and electrical service, and installation of pipelines across a new pipe bridge constructed by CPBR. The Port received a \$1 million advance payment from the Port’s insurance carrier and these funds have not been spent.

This Resolution formally declares the Dock Incident an emergency for public contracting purposes. The Dock Incident was not reasonably foreseeable and it created a substantial risk of loss, damage, interruption of services or threat to public health or safety that requires prompt performance of public contracts without competitive bidding. Based on this emergency, it is also appropriate to authorize a not-to-exceed amount of \$1 million for repair and restoration of the Beaver Dock.

Recommendation

Adopt Resolution 2024-04, declaring the Dock Incident an emergency for public contracting purposes so that public contracts may be entered into without competitive bidding and authorizing expenditures not-to-exceed \$1 million from insurance proceeds for repair and restoration of the Beaver Dock.

RESOLUTION NO. 2024-04

A RESOLUTION DECLARING THE DOCK INCIDENT AN EMERGENCY FOR PUBLIC CONTRACTING PURPOSES AND APPROVING \$1 MILLION FOR DOCK REPAIRS

WHEREAS, on November 12, 2023, a tug and barge went off course and collided with the Beaver Dock at Port Westward (“Dock Incident”), causing significant damage to the Beaver Dock. The U.S. Coast Guard and other agencies were notified and an Incident Command System was established at Columbia Pacific Bio-Refinery (“CPBR”) to direct the emergency response, which was successfully completed on November 20, 2023; and

WHEREAS, CPBR has continued to work with the Port in managing the restoration operations at the Beaver Dock, including a dock assessment, debris removal, restoration of the fire system and electrical service, and installation of pipelines across a new pipe bridge constructed by CPBR; and

WHEREAS, the Dock Incident could not have been reasonably foreseen and it created a substantial risk of loss, damage, interruption of services or threat to public health or safety that requires prompt performance of public contracts without competitive bidding; and

WHEREAS, the Port received a \$1 million advance payment from the Port’s insurance carrier and these funds have not been spent. Based on this emergency, it is appropriate to authorize a not-to-exceed amount of \$1 million for repair and restoration of the Beaver Dock; Now, therefore,

BE IT RESOLVED by the Board of Commissioners of the Port of Columbia County:

The Commission formally declares the Dock Incident an emergency for public contracting purposes pursuant to Port Ordinance 2005-01 so that public contracts may be entered into without competitive bidding. The Commission further authorizes a not-to-exceed amount of \$1 million from insurance proceeds to be used for repair and restoration of the Beaver Dock.

PASSED AND ADOPTED this 27th day of March 2024, by the following vote:

AYES: _____ **NAYS:** _____

Port of Columbia County

ABSTAIN: _____

By: _____
President

Attested By:

Secretary

ESTIMATED COSTS OF PORT WESTWARD EMERGENCY DOCK REPAIRS

Resolution 2023-04

INVOICES RECEIVED

DOCK ASESMENT

Advanced American	\$ 44,550.00	
		\$ 44,550.00

DEMO

Advanced American	\$ 375,946.00	
JH Kelly	\$ 1,193.85	
		\$ 377,139.85

ELECTRICAL

Hamer Electric (electrical conduit and connections)	\$ 151,041.76	
Clatskanie PUD (new pole and electrical supply)	\$ 17,180.00	
		\$ 168,221.76

INCIDENT RESPONSE

Terminus	\$ 16,664.71	
Clean Rivers	\$ 46,300.04	
		\$ 62,964.75

PERMITS

Stewardship Solutions	\$ 17,385.73	
		\$ 17,385.73

MISC.

United Rentals (light tower + air compressor)	\$ 2,298.33	
Hudson Garbage (garbage removal)	\$ 1,036.90	
CPBR (safety barriers + responder meals)	\$ 9,709.90	
		\$ 13,045.13

Subtotal

\$ 683,307.22

ESTIMATES

Fire Water line (JH Kelly & Consolidated)	\$ 350,000.00	
Electrical (Hamer Electric)	\$ 25,000.00	
Review of Insurance Dock Valuation (KPFF)	\$ 20,000.00	
		\$ 395,000.00

\$ 395,000.00

Estimated Costs of Dock Restoration

\$ 1,078,307.22