

**PORT OF NEWPORT**  
**MINUTES**  
**October 26, 2010**  
**Combined Work Session and Regular Meeting**

**I. CALL TO ORDER**

Commission President Ginny Goblirsch called the combined work session and regular meeting of the Port of Newport Board of Commissioners to order at 6:00 p.m. in the Yaquina Bay Yacht Club Clubhouse, 750 SE Bay Blvd., Newport, OR, the same being within the boundaries of the Port District.

**Commissioners Present:** Ginny Goblirsch, President; JoAnn Barton, Vice-President; David Jincks, Secretary; Don Mathews, Treasurer.

**Commissioners Excused:** Dean Fleck, Assistant Secretary-Treasurer.

**Port of Newport Management and Staff:** Don Mann, General Manager; Pete Dale, Project Manager; Kent Gibson, Port Operations; Maureen Keeler, Special Projects Manager; Barb Martin, Accounts Receivable; Patty Benjamin, Administrative Assistant.

**Others Present:** Frank Berg, Joshua Dodson, and Glenn Schnaidt, Day CPM Services; Yale Fogarty and Pat Ruddiman, ILWU Local 53; Tresa Horney, Oregon League of Conservative Voters; Mark Miranda, Newport Police Chief; Patricia Patrick-Joling, Newport City Council; Mark Reusser, Andersen Construction; Jim Shaw, South Beach resident; Derrick Tokos, City of Newport.

**II. MINUTES**

- A. Work Session and Regular Meeting—September 28, 2010**  
**B. Special Meeting—October 12, 2010**

Commissioner Barton moved, Mathews seconded, to approve the minutes of the Work Session and Regular Meeting of September 28, 2010 and the Special Meeting of October 12, 2010 as submitted. The motion passed 4-0.

**III. FINANCIAL STATEMENTS**

**A. Financial Reports.** There were no questions or comments on the Finance Director's written report or the financial statements.

**B. Accounts Paid.** There were no questions or comments on Accounts Paid.

Commissioner Barton moved to approve the Financial Statements and Accounts Paid, Check Nos. 11441-11455/Construction Fund; Check Nos. 11284-11300/NOAA Checking-OCB; and Check Nos. 306512-30765/Operating Account. Commissioner Jincks seconded the motion and it passed 4-0.

**IV. PUBLIC COMMENT**

There was no public comment.

**V. STAFF REPORTS (\* Indicates no questions or comments.)**

**A. Department Reports.**

- Kevin Bryant, Commercial Marina Harbormaster\*
- Pete Dale, Project Manager\*
- Maureen Keeler, Special Projects Manager\*
- Gina Nielsen, RV-Marina Office Supervisor\*
- Ron Smith, Terminal Manager\*
- Chris Urbach, South Beach Marina Harbormaster\*

**B. General Manager.**

The General Manager announced that the audit had been completed. A meeting of the audit committee will be scheduled after the Port receives a final letter from the auditors, and the

auditors will be invited to make a presentation about the audit to the commission at the next regular meeting.

General Manager Don Mann had provided the commissioners with draft copies of the project report and recommendations for funding strategy from David Reif, DCI Objectives, related to funding for the final two phases of the International Terminal Renovation Project. Mann asked the commission to review the report and get back to him with changes, recommendations, and clarifications. He said he would pass those on to the consultant so that the report could be finalized as soon as possible. He said the report recommended that the Port pursue funding through appropriations and the earmark process, along with applying for federal government grants. Mann allowed that the appropriation process was difficult and there was a lot of competition for both earmarks and grant money, but he agreed with the consultant that those were the two most likely avenues to fund the project. Commissioner Jincks said that he would be in Washington DC during the last week of November and first week of December to pursue a different earmark, and offered to push for the Port's earmark at the same time. Commissioner President Goblirsch suggested appointing a commission sub-committee to work on the package of information that would be necessary to go for an appropriation, and Mann said he would work with Jincks on planning the Port's appropriations process. The commission and General Manager agreed that a lobbyist would be needed and would have to be identified quickly.

The General Manager had provided the commission with a copy of the Notice to Mariners that the Coast Guard had issued as requested by Nehalem Dredging. No issues were expected related to the dredge pipe placed under the bay but the Notice to Mariners process is a requirement.

The commission had also been given a copy of the draft Waiver and Release Agreement that would be presented to the City of Newport, once the document had been reviewed by Andersen/WCC's legal counsel. The indemnity agreement relates to the under-bay utilities and pile driving that will be part of the NOAA MOC-P Project. Both the Port and the contractor are named in the indemnity agreement.

General Manager Mann announced that Senator Ron Wyden would hold a town hall meeting in Newport in November, and said he would let the commissioners know when a definite date was set for that meeting.

The General Manager had signed an agreement that day to allow ODF&W to conduct a sampling of gaper clams for a comparison study as the Port's new mitigation site grows over a 7-10 year period.

Tami Wagner, ODF&W, had been killed in a car accident and the Port will send a sympathy card.

### **C. Commissioners' Reports.**

In addition to regular project meetings, Commissioner Barton had attended a Sustainability Conference at the community college and a work shop that was co-sponsored by the Economic Development Alliance and Oregon Coast Community College Small Business Development Center on how local businesses can sell to government entities. She said both the conference and the work shop were extremely beneficial to the community. She also mentioned the "Buy Local" campaign. Commission President Goblirsch asked Commissioner Barton to arrange for the Port to receive a short written report on the work shop training program that could be kept in the Port's files.

Commissioner Jincks said he had participated in weekly meetings on the Terminal Renovation Project but most of his time had been devoted to the NOAA/NMFS Pacific Fisheries Management Council as major changes were being incorporated into the West Coast fishing industry.

Commissioner Mathews announced some Halloween activities throughout the community.

Commission President Goblirsch said she would represent the Port at a conference at Heceta Head on Friday, October 29, 2010, and was preparing a presentation on NOAA MOC-P.

## **VI. OLD BUSINESS**

**A. Terminal Renovation—Day CPM Services.** Frank Berg, Day CPM, provided an update on the Terminal Renovation Project. He reported that the demolition of the office had

been completed and the pavement had been removed from the deck of the Hennebique. The driving of the permanent bulkhead wall continued and the Pasley, which is constantly monitored, had shown initial movement when the first test pile was driven but none since. Removal of the high timber dock was scheduled to start later that week and the vibroflotation work would get under way after the bulkhead was complete. Berg said there had been some pre-drilling necessary in some areas to install the sheet pile because they "hit some very hard ground" but that had been expected. Berg talked about the seven contract amendments the commission had approved for a total of \$7,676,967.97, and reported on the permitting process. Some permits had already been received but the Joint Permit Application (JPA), which is required for in-water work, looks likely to be delayed for a period of several weeks. Joshua Dodson, Day CPM, pointed out that the Port has done its due diligence and the project should have been a priority with the agencies because it has been two years in the making, so the Port would be in a good position to request an extension of the in-water work window if the JPA is delayed. Berg added that the construction manager/general contractor, Natt McDougall Company, is exploring options in case of a permit delay and feels comfortable that the project will move forward.

**B. NOAA MOC-P—Day CPM Services.** Joshua Dodson, Day CPM, presented an update on the NOAA MOC-P Homeport Project. He said the project was progressing well in budget, scope, and time. Thirteen million dollars of the overall project budget of \$38.4 million had been spent to date; on the construction side, the GMP was \$29.4 million and \$7.6 million had been spent. Dodson said contingencies have been built into the budget to cover any conditions imposed by the Joint Permit Application (JPA) when it is issued. When the permit is in hand, dredging and in-water work can start for the piers. Dodson said there was a contingency plan in place if the permit is delayed and, in that event, the Port would file for an immediate extension of the in-water work window. The Port had applied for and received a grant in the amount of \$500,000 through the Marine Navigation Improvement Fund that would be applied toward dredging costs for the NOAA facility. Dodson reported that the 8,000 eelgrass plants that were harvested from areas to be dredged were growing at the Oregon Coast Aquarium. The plants will be re-planted at the project's mitigation site in the spring. The project is also on track to receive a Leadership in Energy and Environmental Design (LEED) silver certification. Dodson projected photos of the project onto a screen and Mark Reusser, Andersen/WCC, described the construction progress as the pictures were shown. Reusser said construction of the mezzanine level in the warehouse would start the following week and, in answer to a question from Commissioner Barton, he said some of the timbers from the demolition of Port Dock 2 would be salvaged.

**C. South Beach Peninsula Transportation Project—Derrick Tokos.** Derrick Tokos, City of Newport, presented the 100% design for the South Beach Transportation Improvement Plan. He said the project would be put out for bid, with the bid opening scheduled for November 18, 2010. Legal instruments and possibly an intergovernmental agreement are being prepared between the Port and the City of Newport. Those documents would go to the Port's legal counsel for review, and on November 23, 2010, the Port would be asked to authorize construction easements and a right of way for the project. Referring to the drawing, Tokos pointed out where those areas were and said the right of way would encompass about half an acre. He said the City would also put together a right of access for realignment of the parking area. He said he had talked with the Port Commission earlier about a \$75,000 monetary contribution to the project but he was not looking for that at this time; instead, the Port's contribution would be the value of the right of way. Tokos said he was working on two addendums related to the utility plan and the lighting plan. The City and the original stakeholders had wanted underground utilities but Central Lincoln PUD's estimate had grown from \$200,000 initially to \$500,000. A discussion followed about underground utilities. Commissioner Barton mentioned the view of utility poles from the new NOAA conference room; Patricia Patrick-Joling, Newport City Council, said she had long been an advocate of underground utilities; and General Manager Mann noted that the Hatfield Marine Science Center would like to see underground utilities there as well. Mann said \$75,000 had been identified in the NOAA construction budget as a cash contribution towards the project and, if the City gets that close on the underground utilities, that contribution might be something to consider. Tokos said he would continue to keep the commission apprised on the project.

## **VII. NEW BUSINESS**

**A. Surplus—30 foot vessel Lilia and associated gear, OR088TN.** The 30-foot recreational vessel Lilia had been in danger of sinking and was creating a hazard at the South Beach Marina, so the Port had towed it out of the water. The boat had since been abandoned. General Manager Mann recommended that the commission declare the vessel surplus so that paperwork could be finalized and the vessel could be removed from Port property.

Commissioner Mathews moved to declare the vessel Lilia, OR088TN, and associated gear surplus to the Port's needs. Commissioner Jincks seconded the motion and it passed 4-0.

**B. DCI Objectives—Appropriations Document Recommendation.** The agenda item had been discussed earlier in the meeting.

**VIII. MEETING RECESS** at discretion of the chair.

There was no meeting recess.

**IX. OTHER**

There was no other business.

**X. PUBLIC COMMENT**

Newport Police Chief Mark Miranda introduced himself. He said the Port was a substantial part of the community and shared many mutual interests with the Police Department, and he looked forward to attending the regular meetings as his schedule allowed in the future.

The General Manager and commission wished Maureen Keeler a happy birthday.

**XI. UPCOMING MEETINGS**

- A. Marina Recreation Association Conference & Trade Show, November 2-4, Las Vegas, NV
- B. Fishermen's Forum, Port Conference Room, November 10, 8:30-9:30 a.m.
- C. Veteran's day, November 11 (Port office closed)
- D. Fishermen's Appreciation Day, November 19, 8:30 a.m.-3:00 p.m.
- E. Port Commission Work Session and Regular Meeting, November 23, 6:00 p.m., YBYC Club House
- F. Thanksgiving Holiday, November 25-26 (Port office closed)

**XII. ADJOURNMENT**

There being nothing more to come before the Board of Commissioners, the meeting was adjourned at 7:20 p.m.

ATTEST:

\_\_\_\_\_  
Ginny Goblirsch, President

\_\_\_\_\_  
David Jincks, Secretary

L:\Minutes\WS RM 10 26 2010