

PORT OF LEWISTON MINUTES OF SPECIAL MEETING

October 30, 2015

CORRECTION: October 28, 2015

A special meeting of the Port of Lewiston Commission was held on October 28 30, 2015, at 12:00 p.m. at the Port Administration Building conference room, Lewiston, Idaho, pursuant to notice duly given.

Present at the meeting were Port Commission President, Mike Thomason, Port Commission Vice President, Jerry Klemm and Port Commission Secretary/Treasurer, Mary Hasenoehrl. Administrative staff in attendance were David Doeringsfeld, Port Manager, Jaynie Bentz, Assistant Port Manager and Kelly VondLindern, Administrative Assistant. Guests in attendance are listed on the sign in sheet, attached hereto. The meeting was called to order at 12:00 p.m. by Port Commission President, Mike Thomason.

PUBLIC HEARING:

Port Commission President, Mike Thomason, convened the Public Hearing to take testimony regarding a lot line adjustment of approximately 0.013-acre (566 square feet) for the purpose of resolving an encroachment by Westmoreland Company, Inc. within the Harry Wall Industrial Park. Additionally, the Port intends to Quitclaim Deed such property for no cash consideration to Westmoreland Company, Inc. Port Manager, David Doeringsfeld, presented an overview identifying the location of the property referencing an aerial photo and oversized drawings.

Citizen Comments: None

Port Commission President, Mike Thomason, declared the Public Hearing closed at 12:05 p.m.

CONVENE SPECIAL MEETING:

At 12:06 p.m. the Port Commission President, Mike Thomason, stated the purpose of the special meeting was to consider for approval a franchise agreement with the City of Lewiston for locating fiber optic cable within the City Right-of-Way, consider for approval a lot line adjustment to resolve an encroachment by Westmoreland Company, Inc. within the Harry Wall

Industrial Park, consider for approval a 10-foot stormwater easement with Westmoreland Company, Inc. within the Harry Wall Industrial Park, consider for approval a Quitclaim Deed of Correction with US Army Corps of Engineers to be re-recorded to reflect the correct Government lots within the legal description, have open discussion regarding a Pull & Save business locating within the Harry Wall Industrial Park, and review the status of EKO Systems, Inc. closure process.

Port Commission President, Mike Thomason, called for review of the agenda. A motion was made by Commissioner Klemm to approve the agenda as presented; the motion was seconded by Commissioner Hasenoehrl. The motion passed unanimously.

AGENDA APPROVAL:

Port Commission President, Mike Thomason, called for review of the agenda. Commissioner Klemm made a motion to approve the agenda as presented; seconded by Commissioner Hasenoehrl. The motion passed unanimously.

CITIZEN COMMENTS:

Port Commission President, Mike Thomason, called for citizen comments. No comments were presented.

ACTIVE AGENDA:

Port Manager, David Doeringsfeld presented a copy of a franchise agreement between the City of Lewiston and the Port of Lewiston for fiber optic lines to be located within the city's right-of-way. The term of the agreement presented is 25 years and a 5% franchise fee on leased lines. After discussion, a motion was made by Commissioner Hasenoehrl to approve executing the franchise agreement with the City of Lewiston as presented; seconded by Commissioner Klemm. Voting Aye – Commissioners Thomason, Hasenoehrl, Klemm; voting Nay – none. The motion passed unanimously.

Next, Port Manager, David Doeringsfeld, presented a Quitclaim Deed to consider for approval for a lot line adjustment within the Harry Wall Industrial Park of approximately 566 square feet for the purpose of resolving an encroachment by Westmoreland Company, Inc. After open discussion, a motion was made by Commissioner Klemm to approve the lot line

adjustment, as presented; seconded by Commissioner Hasenoehrl. After discussion, Commissioner Klemm amended the motion and moved to approve the lot line adjustment and to sign a Quitclaim Deed conveying the property to Westmoreland Company, Inc. to resolve the encroachment. Voting Aye – Commissioners Hasenoehrl, Klemm and Thomason; voting Nay – none. The motion passed unanimously.

Next, Manager Doeringsfeld presented to the Port Commission for consideration of approval a Storm Water Pipe Easement within the Harry Wall Industrial Park to Westmoreland Company, Inc. Manager Doeringsfeld referenced a drawing to identify the location of the easement as following along the southwest property line to an existing outfall. Additionally, Manager Doeringsfeld confirmed that the 10-foot easement allows for improvements to locate over the area, such as a parking lot, but no placement of a structure. After review and discussion, a motion was made by Commissioner Hasenoehrl to approve a Storm Water Pipe Easement to Westmoreland Company, Inc. as presented; seconded by Commissioner Klemm. Voting Aye – Commissioners Hasenoehrl, Thomason, Klemm; voting Nay – none. The motion passed unanimously.

Manager Doeringsfeld next presented to the Port Commission for consideration of approval a Quitclaim Deed of Correction to be re-recorded to reflect the correct government lots within the legal description with the US Army Corps of Engineers. The referenced Port property is located along the Clearwater River where Longview Fiber previously operated. After review and discussion, a motion was made by Commissioner Hasenoehrl to sign the Quitclaim Deed of Correction by the US Army Corps of Engineers, as presented; seconded by Commissioner Klemm. Voting Aye – Commissioners Hasenoehrl, Thomason, Klemm; voting Nay – none. The motion passed unanimously. Port Assistant Manager, Jaynie Bentz, commented that the signed document would now be returned for final execution by the US Army Corps of Engineers.

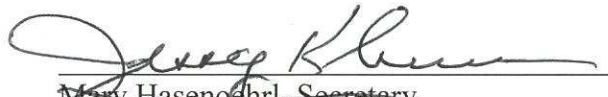
NON-ACTIVE AGENDA:

Next, Port Manager, David Doeringsfeld, asked the Port Commission to discuss their interest in locating a Pull & Save operation within the Harry Wall Industrial Park as presented by Jeff Dietrich at a previous commission meeting. Open discussion was had, but not limited to, location, environmental concerns, long term lease terms, being a permitted use, and job creation. Discussion conveyed concern regarding the community's viewscape from across the river of the

proposed location since the operation would be on a hillside. Commissioner Hasenoehrl questioned whether the proposed operation was the highest and best use of the property; supporting comments were made. Manager Doeringsfeld thanked the commission for their input and will contact Mr. Dietrich to encourage alternative locations.

Port Manager, David Doeringsfeld, updated the Port Commission regarding the status of EKO Systems closure plan and exit from the leased property. He commented that the North Central Health District regulates compliance and implementation of the closure plan. Manager Doeringsfeld introduced Rick Truby, EKO's Manager. Mr. Truby stated that EKO is on track with the closure plan and has two days left for screening on-site materials. He asked the Port Commission to consider allowing EKO to lease one acre of their current site to allow for the storage of approximately 14,000 cubic yards of bulk finished material for one year. EKO has a location to move finished material to but it would be more cost effective to not have to move it. Sherise Jurries, with NCHD, advised the Port previously that the closure plan encompasses the entire site. Further, if EKO does not exit the site entirely, the closure plan could not be completed and the entire property would be subject to the delay. Any change to the closure plan is subject to approval by NCHD. Discussion was had regarding the possibility of an alternative site within the Harry Wall Industrial Park for finished product to be stored and the impact to neighboring properties. Manager Doeringsfeld confirmed that a new location for storing bulk finished product would not be subject to solid waste rules. Mr. Truby confirmed that the site would be for storage only, not for retail sales. Open discussion was had regarding timing of improvement plans to Colonel Wright Way and adjacent land development. The Port Commission directed staff to confirm the understanding of procedures for closure of the current site and impacts to any future site that may store bulk finished product.

Being no further business, the meeting adjourned at 1:02 p.m.


~~Mary Hasenoehrl, Secretary~~
Vice President