

## PORT COMMISSION REGULAR SESSION MEETING

WEDNESDAY, SEPTEMBER 15, 2021, 5:30 P.M.

Zoom: [Join Meeting](#) / Meeting ID: 813 3348 5028 / Password: 565021 / Call in Number: +1(253)215-8782

### AGENDA

A. ROLL CALL Executive Assistant Toepke

B. PLEDGE OF ALLEGIANCE Commissioner Weast

C. OPEN PUBLIC HEARING: SUPPLEMENTAL BUDGET FY 2021/2022

D. AGENDA CORRECTIONS OR ADDITIONS Executive Director Klaas

E. PUBLIC COMMENT OR QUESTION

F. UPCOMING MEETINGS/EVENTS

- September 17, 2021, 10:00 a.m.: KODL Radio Coffee Break with Executive Director Klaas
- October 11, 2021, 8:30 a.m.: KIHR Radio with Executive Director Klaas
- **October 13, 2021: Port Commission Regular Session Meeting**

G. REPORTS

1. Staff Report Executive Director Klaas
2. Committee Reports
  - Community Outreach Team Commissioner Weast
  - Urban Renewal Commissioner Coburn
  - Chamber of Commerce Commissioner Griffith
  - Dufur Commissioner Wallace
  - Wasco County Economic Development Executive Assistant Toepke

H. CLOSE PUBLIC HEARING: SUPPLEMENTAL BUDGET FY 2021/2022

I. ACTION ITEMS

1. August 11, 2021 Regular Session Meeting Minutes
2. August 27, 2021 Special Session Meeting Minutes
3. August 2021 Financial Reports
4. The Dalles Marina Rules & Regulations-Amendment 09-15-2021
5. Resolution No. 21-005 Authorizing an Interfund Loan from the General Fund to Marina Fund
6. Resolution No. 21-006 Adopting a Supplemental Budget for Fiscal Year 2021-2022
7. Resolution No. 21-007 Authorizing Budget Transfers, Making Appropriations, Authorizing Expenditures for Fiscal Year 2021-2022

**J. EXECUTIVE SESSION** *as allowed by ORS 192.660(2)(e) Real Property Transactions, ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection, ORS 192.660(2)(h) Conferring with Legal Counsel regarding litigation. \*Media representatives are instructed not to report or disclose matters discussed in Executive Session*

**K. ACTION REQUIRED FROM EXECUTIVE SESSION**

**L. COMMISSION CALL**

## PORT OF THE DALLES AGENDA ITEM

Meeting Date: September 15, 2021

Subject: **G-1. STAFF REPORT**  
Executive Director Klaas

### **Marina Fire Update**

- Special Districts Insurance Services (SDIS) has engaged Jordan Ramis PC attorneys Steve Shropshire and David Bowser, to assist us with the environmental aspect of the fire as well as clean-up and remediation.
- We have engaged the services of Robert Mester, Northwest Maritime Consultants, to oversee and reduce the costs that we are incurring related to the containment of the site by US Ecology.
- Two boats have been recovered. The remaining two boats have had a few challenges, one because it is in 3 pieces, and the second because the contracted salvagers did not come to the site to see where the boat was and made false assumptions about how they could recover it. The Dalles Marina, LLC is taking the lead on these projects, and the Port is assisting by having the salvage plan reviewed by Robert Mester. For all of these, the Port is getting a copy of the salvagers' insurance policies and is being named as an additional insured.

### **Columbia River Gorge Commission (CRGC)**

- Wasco County and Port of The Dalles have agreed to enter a mediation process and pause the legal process. We are now in the 120-day court mandated mediation process. The County and Port are meeting to develop our strategy for this conversation around two areas: 1) the definition of minor expansion, and 2) how do bridgehead communities like The Dalles/Dallesport, Hood River/Bingen, and Cascade Locks /Stevenson address growth.

### **Port of The Dalles Marina Launch Ramp and Guest Moorage**

- The restrooms are open.
- In August, the east side of the parking lot and launch ramp were crack sealed and the parking lot restriped.
- There was a sewer backup and after the line was cleared, Roto-Rooter sent a camera down the line. Where the PVC line meets the cast iron line there is corrosion. This repair expense may be covered by the Oregon State Marine Board.
- Pikeminnow fishing season is still underway, though the counting station has moved over to Riverfront Park; the season ends September 30, 2021.
- Five of the boats that were rescued and/or displaced from the fire are still berthed in Transient Guest Moorage. After two months of waiving moorage fees, we are in process of requesting payment. The Dalles Marina, LLC is working on making space available for them to move back into.
- The Port continues to work with The Dalles Yacht Club on a way that they could offer reciprocal clubhouse privileges to guests in Transient Guest Moorage.

- The wayfinding signs supported by the Travel Oregon Grant are due to be installed this month on the east side of the restroom building and on the west end of the parking lot at the Riverfront Trail Head.

### **Trees Cut on Port Property along Riverfront Trail**

- We received a call from Scott Baker at NWC Parks and Recreation to let us know he had a complaint from a citizen about trees being cut along the trail. Since this is Port property, he was letting us know.

After a short walk west on the trail from Klindt Cove we observed this:









- We contacted the soil and water conservation district, and Scott Susi went to the site and reported this: *“I made a trip to the site where the vegetation was cut this morning around 8:30am. There was a lot more taken down than I had anticipated. I observed very large Mulberry tree stumps, and dozens of other tree and shrub stumps that I could not identify. I know from assessing that site in the past that there were willow, alder and tree of heaven at the site. The mulberry is not native but functioned well for berry production for wildlife and bank stabilization on the river. There are very few sites along the Columbia River in our region that have riparian trees. These limited sites are scarce habitat for local and migratory birds. To rehab the site back to existing capacity will take 40-50 years of growth. Planting alder, willow and cottonwood trees along with currant, oceanspray and spirea shrubs would be my recommendation. Because of the newly disturbed ground noxious weeds will be a short term issue in the next couple years.”*
- Port legal counsel has been informed and a police report filed. Based on the amount of damage the case been referred to the District Attorney.

**Port Office: New windows installed and painting complete**

- Both projects are done, and we are in process of submitting our window rebate request to the NWCPUD.



## **General**

- The annual audit for Fiscal Year 2020-2021 is in draft form and is being reviewed. Once it is finalized, we will schedule a presentation by the Auditor for the Port Commission.
- Mid-Columbia Economic Development District (MCEDD) hosted the sixth meeting as part of the Columbia River Gorge Regional Economic Development Strategy (CEDDS) update, talking about the regional goals that include resilient infrastructure, strong businesses, regional collaboration, and robust workforce.
- Center of Rural Innovation (CORI) team met and identified Federal funding and programs that might be applicable to assist with tech start-ups and entrepreneurial development. The frequency of these meetings is now once a month.
- Oregon Public Ports Association (OPPA) met. Some highlights: unprecedented increase in State revenue due to the large influx of Federal payments; the legislative assembly generally seems unconcerned with rural recovery; enterprise zone job requirements have been waived temporarily because of COVID; there may be some funds available to help communities with grant writing.
- Staff met with Captain Carrico of City of The Dalles Police, to talk about homeless and vagrant issues in the Port area. Similar issues are happening all over the City, but we will be working closely with him on any issues that arise.

## PORT OF THE DALLES AGENDA ITEM

Meeting Date: September 15, 2021

Subject: **I-1.) AUGUST 11, 2021 REGULAR SESSION MEETING MINUTES**

➤ August 11, 2021 Regular Session Meeting Minutes

Staff Recommendation: **Approve August 11, 2021 Regular Session Meeting Minutes  
as presented**

Fiscal Impact: None



**PORT OF THE DALLES COMMISSION**  
**Regular Session Meeting Minutes**  
**Wednesday, August 11, 2021, 7:00 p.m.**  
**Video Meeting via Zoom**

The Regular Session Meeting of the Port Commissioners was called to order by President Greg Weast at 7:00 p.m.

**ROLL CALL** Executive Assistant Toepke

**COMMISSION** Greg Weast, Robert Wallace, Staci Coburn, David Griffith, John Willer

**STAFF** Andrea Klaas, Executive Director; Jennifer Toepke, Executive Assistant; Bill Dick, Attorney

**PLEDGE OF ALLEGIANCE** President Weast

**AGENDA CORRECTIONS/ADDITIONS** None

**PUBLIC COMMENT OR QUESTION** None

**UPCOMING MEETINGS/EVENTS** As included in meeting packet, plus Commissioner Weast may join Executive Director Klaas on KODL Coffee Break on Friday, September 13, 2021

**ACTION ITEMS**

1. **July 14, 2021, Regular Session Meeting Minutes** *was Approved by Consensus*
2. **July 2021 Financial Reports** *were Approved by Consensus*
3. **3<sup>rd</sup> Amendment to The Dalles Marina Concession Agreement** *M/S. Coburn, S/R. Wallace, Motion Approved Unanimously*

**REPORTS**

1. **Staff Report Executive Director Klaas** Stands as included in meeting packet, plus concerning the fire at The Dalles Marina: Attorney Dick and Special Districts are constructing the plan to launch cleanup and salvage as soon as possible. There are funds available from SDIS for pollution – which would cover costs of U.S. Ecology. For safety reasons The Dalles Marina, LLC has installed a gate at the beginning of D Finger to keep people out.
2. **Committee Reports**
  - **Community Outreach Team Commissioner Weast** An in-person trip to Washington, D.C. will not be happening due to the pandemic – but the video meetings will still be held. ED Klaas: To meet with County Commission Chair Hege to discuss the scope and shape of the video meetings.
  - **Wasco County Economic Development** EA Toepke was accepted for the position, awaiting to be officially appointed by Wasco County
  - **Urban Renewal Commissioner Coburn** No meeting. Spoke with Alice Cannon: 1) Work is ongoing at the Rec Building – just not visible, as the work is primarily happening inside currently. Opening scheduled for November – running a bit behind on the timeline, so could be December. 2) Tony’s Town & Country made it through the committee with approval to be raised, has potential for grant funding – the goal is to make it a shovel ready property. Good to get tax revenue back to the community.
  - **Dufur Commissioner Wallace** Hot & Dry – farmers are referencing back to 1977 since it’s been this bad. Cherry and wheat harvest is done – it was a short yield for wheat. Annual Dufur Days would normally start this weekend – it was cancelled months ago due to the pandemic. School is about to start – with the surge in Covid cases related to the Delta variant, administration is figuring out what school will look like this Fall. The housing development meeting got pushed out twice – once due to a lack of quorum, the 2<sup>nd</sup> time it is unclear why. There have been some recent business transactions in downtown Dufur – it will be encouraging to see some related action in the next year. ED Klaas: Working together with Commissioner Wallace in conversations with Hydro to redirect a fine that they are due to pay DEQ, to a project for the betterment of the community instead.

- Griffith The Chamber did not meet. Sent the Chamber’s Community Connector to the Commission. This issue there is the information about the County Fair – with the opportunity to donate to the Annual Livestock Show. The Chamber touches on several grants available – should the Commission know anyone looking for funding – it is available.

**COMMISSION CALL**

1. Commissioner Griffith Unfortunate to be meeting via Zoom again. Thanks to Commission and Staff.
2. Commissioner Coburn Continued thanks for the hard work on the Marina fire.
3. Commissioner Willer Looking forward to redoing the Marina in a safer way.
4. Commissioner Wallace Ditto on the thanks for the hard work on the Marina fire. Also, relieved that the restrooms at the Marina are open again!
5. Commissioner Weast Reference the annual Staff Retreat at Rock Creek, as it is not allowed right now – would anyone like to hold it over at Klickitat?

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE PORT COMMISSION, the meeting adjourned at 7:24 p.m.**

**PORT OF THE DALLES:**

**ATTEST:**

\_\_\_\_\_  
Greg Weast, President  
Board of Commissioners

\_\_\_\_\_  
David A. Griffith, Secretary  
Board of Commissioners

DATE APPROVED: September 15, 2021  
Prepared by: Jennifer Toepke, Executive Assistant

## PORT OF THE DALLES AGENDA ITEM

Meeting Date: September 15, 2021

Subject: **I-2.) AUGUST 27, 2021 SPECIAL SESSION MEETING MINUTES**

➤ August 27, 2021 Special Session Meeting Minutes

Staff Recommendation: **Approve August 27, 2021 Special Session Meeting Minutes  
as presented**

Fiscal Impact: None

**PORT OF THE DALLES COMMISSION**  
**Special Session Meeting Minutes**  
**Friday, August 27, 2021, 11:00 a.m.**  
**Video Meeting via Zoom**

The Special Session Meeting of the Port Commissioners was called to order by President Greg Weast at 11:00 a.m.

**ROLL CALL** Executive Assistant Toepke

**COMMISSION** Greg Weast, Staci Coburn, David Griffith, John Willer **ABSENT** Robert Wallace

**STAFF** Andrea Klaas, Executive Director, Jennifer Toepke, Executive Assistant

**GUESTS** Mike Courtney, Mark Gibson, Brad Lohrey, Francis Weller

**PLEDGE OF ALLEGIANCE** President Weast

**AGENDA CORRECTIONS/ADDITIONS** None

**PUBLIC COMMENT OR QUESTION** None

**ACTION ITEMS**

1. **Resolution #21-004 Declaring an Emergency and an Exemption from Competitive Bidding for Cleanup of The Dalles Marina** M/J. Willer, S/S. Coburn, Motion Approved Unanimously

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE PORT COMMISSION, the meeting adjourned at 11:07 a.m.**

**PORT OF THE DALLES:**

**ATTEST:**

\_\_\_\_\_  
Greg Weast, President  
Board of Commissioners

\_\_\_\_\_  
David A. Griffith, Secretary  
Board of Commissioners

DATE APPROVED: September 15, 2021

Prepared by: Jennifer Toepke, Executive Assistant



## PORT OF THE DALLES AGENDA ITEM

Meeting Date: September 15, 2021

Subject: **I-3.) AUGUST 2021 FINANCIAL REPORTS**

➤ August 2021 Financial Reports

Staff Recommendation: **Approve August 2021 Financial Reports as presented**

### **Local Government Investment Pool**

➤ Interest Rate 0.55% (Average Annualized Yield)

### **General Fund**

#### ➤ Income

- No Unusual Income

#### ➤ Expenses

- Cardmember Services-Meeting Projector: \$486.97 (of total \$1,170.71)
- Crestline Construction Company-Remove Parking Bollards/Cable & Replace w/Rock Boulders at Marina Launch Ramp/Travel Oregon Grant: \$1,729.00
- MCEDD-Annual Dues: \$2,835.00
- Meyer Sign Co. of Oregon-Wayfinding Signs for Marina/Travel Oregon Grant (Progress Billing): \$11,600.00
- Simply Clean LLC-Deep Clean of Marina Launch Ramp Restrooms before Reopening: \$550.00
- The Dalles Area Chamber of Commerce-Membership Dues: \$216.00
- Traffic Safety Supply-Safety Signs for Marina Launch Ramp & Parking Lot/Travel Oregon Grant: \$500.30
- Aqua Technex-Algae Treatment for Transient Guest Moorage Waters: \$675.00
- Columbia River Affordable Portables LLC-Porta Potty's Final Billing: \$60.00
- Ernie's Locks & Keys-Changed Door Locks on Office & Shop: \$274.00
- Home Depot-Bark for Landscaping at Launch Ramp Restrooms: \$322.92
- Seal Kote Plus, Inc.-Crackfill Launch Ramp/Parking Lot and Restripe Parking Lot/Travel Oregon Grant: \$14,443.05
- The Dalles Marina, LLC-Labor to Remove Algae from Transient Guest Moorage Waters (using Port Boat): \$180.00

### **Port Development Fund**

#### ➤ Income

- Wasco County-Gorge 2020 Future Planning (UGB), Final Contribution: \$10,552.95

#### ➤ Expenses

- Davis Wright Tremaine LLP-Gorge 2020 Future Planning (UGB): \$6,676.50

**Marina Fund**

- No Unusual Income or Expenses

**Fiscal Impact**

- No impact

**Port of The Dalles**  
**Account QuickReport**  
As of August 31, 2021

Cash Basis

Type	Num	Name	Paid Amount
<b>CSB Checking</b>			
<b>General Checking</b>			
Bill Pmt -Check	24566	Andrea Klaas	-245.00
Bill Pmt -Check	24567	Dick, Dick & Corey, LLP	-713.00
Bill Pmt -Check	24568	Cardmember Services	-1,170.71
Bill Pmt -Check	24569	CrestLine Construction	-1,729.00
Bill Pmt -Check	24570	Gorge Networks	-165.15
Bill Pmt -Check	24571	MCEDD	-2,835.00
Bill Pmt -Check	24572	Meyer Sign Co. of Oregon	-11,600.00
Bill Pmt -Check	24573	Optimist Printers	-95.00
Bill Pmt -Check	24574	Simply Clean LLC	-550.00
Bill Pmt -Check	24575	The Dalles Area Chambe...	-216.00
Bill Pmt -Check	24576	Traffic Safety Supply	-500.30
Liability Check	EFT	Oregon Department of R...	-491.00
Liability Check	EFT	United States Treasury	-1,898.92
Bill Pmt -Check	24577	Aqua Technex	-675.00
Bill Pmt -Check	24578	Bohns Printing	-32.90
Bill Pmt -Check	24579	City Of The Dalles.	-533.78
Bill Pmt -Check	24580	Columbia River Affordabl...	-60.00
Bill Pmt -Check	24581	Hattenhauer Energy Co. ...	-67.86
Bill Pmt -Check	24582	Jennifer Toepke.	-518.74
Bill Pmt -Check	24583	Optimist Printers	-95.00
Bill Pmt -Check	24584	PUD	-226.89
Bill Pmt -Check	24585	SDIS	-4,555.56
Bill Pmt -Check	24586	Simply Clean LLC	-150.00
Bill Pmt -Check	24587	Streamline	-75.00
Bill Pmt -Check	24588	The Dalles Disposal	-289.41
Paycheck	24589	Andrea L. Klaas	-3,395.93
Paycheck	24590	Gerald L. Rundell	-320.00
Paycheck	24591	Jennifer Toepke	-1,722.92
Check	EFT	Verizon	-96.63
Deposit			290.00
Bill Pmt -Check	24592	Angie Wilson	-843.75
Bill Pmt -Check	24593	Cardmember Services	-544.10
Bill Pmt -Check	24594	Ernies Locks & Keys	-274.00
Bill Pmt -Check	24595	Gorge Networks	-165.15
Bill Pmt -Check	24596	Home Depot Credit Servi...	-322.92
Bill Pmt -Check	24597	Seal Kote Plus, Inc.	-14,443.05
Bill Pmt -Check	24598	The Dalles Marina	-180.00
Paycheck	24599	Andrea L. Klaas	-3,395.95
Paycheck	24600	Jennifer Toepke	-2,029.14
Check	EFT	Ameritas	-47.60
Total General Checking			-56,980.36
<b>Marina Checking</b>			
Total Marina Checking			
<b>Port Develop. Checking</b>			
Bill Pmt -Check	23290	Davis Wright Tremaine ...	-2,999.50
Deposit			12,840.16
Bill Pmt -Check	23291	Davis Wright Tremaine ...	-3,677.00
Total Port Develop. Checking			6,163.66
Total CSB Checking			-50,816.70
<b>TOTAL</b>			<b>-50,816.70</b>

**PORT OF THE DALLES-GENERAL FUND**  
**Profit & Loss Budget vs. Actual-GF-Summary**  
**July through August 2021**

Cash Basis

	<u>Jul - Aug 21</u>	<u>Budget</u>	<u>% of Budget</u>
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
Other Income	470.85	2,000.00	23.5%
Launch Ramp/Transient Moorage	270.00	3,000.00	9.0%
Loan Repayments	90,035.25	90,621.00	99.4%
Grants	0.00	20,000.00	0.0%
Leased Land and Facilities	3,585.00	15,000.00	23.9%
Previously Levied Taxes	1,358.85	5,000.00	27.2%
Transfer from Other Fund	0.00	200,000.00	0.0%
<b>Beginning Fund Balance</b>	0.00	972,081.00	0.0%
<b>Interest from Cash in Bank</b>	1,428.08	5,832.00	24.5%
<b>Beginning Fund Balance</b>	0.00	0.00	0.0%
<b>Interest From Earnings</b>	188.74		
<b>Property Tax</b>	1,522.06		
<b>Total Income</b>	<u>98,858.83</u>	<u>1,313,534.00</u>	<u>7.5%</u>
<b>Gross Profit</b>	98,858.83	1,313,534.00	7.5%
<b>Expense</b>			
Transfer to Other Funds/Conting	0.00	600,000.00	0.0%
Capital Outlay	13,329.00	75,000.00	17.8%
Personal Services-	42,617.78	320,075.00	13.3%
Material and Services	28,016.09	216,000.00	13.0%
<b>Total Expense</b>	<u>83,962.87</u>	<u>1,211,075.00</u>	<u>6.9%</u>
<b>Net Ordinary Income</b>	<u>14,895.96</u>	<u>102,459.00</u>	<u>14.5%</u>
<b>Net Income</b>	<u><u>14,895.96</u></u>	<u><u>102,459.00</u></u>	<u><u>14.5%</u></u>



**PORT OF THE DALLES-PORT DEVELOPMENT FUND**  
**Profit & Loss Budget vs. Actual-PDF-Summary**  
**July through August 2021**

Cash Basis

	<u>Jul - Aug 21</u>	<u>Budget</u>	<u>% of Budget</u>
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
<b>Other Income</b>	26,514.54	5,000,000.00	0.5%
<b>Special Payments-City of Dufur</b>	0.00	0.00	0.0%
<b>Loan Repayments</b>	39,310.00	39,310.00	100.0%
<b>Grants</b>	0.00	3,000,000.00	0.0%
<b>Transfer from Other Fund</b>	0.00	500,000.00	0.0%
<b>Beginning Fund Balance</b>	0.00	3,119,622.00	0.0%
<b>Interest from Cash in Bank</b>	1,567.27		
<b>Interest From Earnings</b>	0.00	18,718.00	0.0%
<b>Interest From Contracts</b>	1,063.63	4,500.00	23.6%
<b>Land Sales</b>	1,223.58	800,000.00	0.2%
<b>Total Income</b>	<u>69,679.02</u>	<u>12,482,150.00</u>	<u>0.6%</u>
<b>Gross Profit</b>	69,679.02	12,482,150.00	0.6%
<b>Expense</b>			
<b>Debt Service</b>	0.00	136,560.00	0.0%
<b>Special Payment</b>	0.00	4,300,000.00	0.0%
<b>Transfer to Other Funds/Conting</b>	0.00	400,000.00	0.0%
<b>Capital Outlay</b>	0.00	7,000,000.00	0.0%
<b>Material and Services</b>	10,774.50	260,000.00	4.1%
<b>Total Expense</b>	<u>10,774.50</u>	<u>12,096,560.00</u>	<u>0.1%</u>
<b>Net Ordinary Income</b>	<u>58,904.52</u>	<u>385,590.00</u>	<u>15.3%</u>
<b>Net Income</b>	<u><u>58,904.52</u></u>	<u><u>385,590.00</u></u>	<u><u>15.3%</u></u>

**PORT OF THE DALLES-MARINA FUND**  
**Profit & Loss Budget vs. Actual-MF-Summary**  
 July through August 2021

Cash Basis

	<u>Jul - Aug 21</u>	<u>Budget</u>	<u>% of Budget</u>
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
Beginning Fund Balance	0.00	54,412.00	0.0%
Interest from Cash in Bank	48.56	326.00	14.9%
Interest From Earnings	0.00	0.00	0.0%
<b>Total Income</b>	<u>48.56</u>	<u>54,738.00</u>	<u>0.1%</u>
<b>Gross Profit</b>	48.56	54,738.00	0.1%
<b>Expense</b>			
Transfer to Other Funds & Debt	0.00	0.00	0.0%
Capital Outlay	0.00	0.00	0.0%
Personal Services-	0.00	0.00	0.0%
Material and Services	0.00	0.00	0.0%
<b>Total Expense</b>	<u>0.00</u>	<u>0.00</u>	<u>0.0%</u>
<b>Net Ordinary Income</b>	48.56	54,738.00	0.1%
<b>Other Income/Expense</b>			
<b>Other Expense</b>			
OTHER EXPENSES	0.00	0.00	0.0%
<b>Total Other Expense</b>	<u>0.00</u>	<u>0.00</u>	<u>0.0%</u>
<b>Net Other Income</b>	<u>0.00</u>	<u>0.00</u>	<u>0.0%</u>
<b>Net Income</b>	<u><u>48.56</u></u>	<u><u>54,738.00</u></u>	<u><u>0.1%</u></u>

## PORT OF THE DALLES AGENDA ITEM

Meeting Date: September 15, 2021

Subject: **I-4.) THE DALLES MARINA RULES & REGULATIONS-AMENDMENT  
09-15-2021**

➤ The Dalles Marina Rules & Regulations-Amendment 09-15-2021

Staff Recommendation: **Approve The Dalles Marina Rules & Regulations-Amendment 09-15-2021 as presented**

Fiscal Impact: None

## MARINA RULES & REGULATIONS

Amended & Adopted ~~May 12, 2021~~ September 15, 2021

### 1. General Provisions

- a. When a boathouse or watercraft enters the Marina, it immediately comes under the jurisdiction of the PORT, or its designee, and shall be berthed or anchored only where authorized.
- b. All new boathouses and watercraft to be placed by lessees in rented spaces or slips must be approved by the Port, or its designee, before being moored.
- c. A Tenant's guest is the full responsibility of the host tenant. The host shall meet all guests at the locked gate to let them in. A tenant may not open the locked gate for another tenant's guest. **TENANTS SHALL ACCOMPANY GUESTS AT ALL TIMES.**
- d. Disorderly conduct or the violation of Oregon laws by lessee, his/her guests or invitees shall be cause for their immediate removal from the Marina and termination of their lease.
- e. As defined by City of The Dalles General Ordinance 93-1175:
  - i. Tenants shall not create or assist in creating or permit the continuance of unreasonable noise.
  - ii. Using or operating sound-amplifying devices (radio, stereo, loudspeakers, etc.) are prohibited between the hours of 11:00PM and 7:00AM.
  - iii. Construction activities are prohibited between the hours of 8:00PM and 7:00AM
- f. Sanitary facilities or any hazardous materials will not be discharged into the Marina. It is illegal to discharge gray water into Oregon waterways.
- g. Dumpsters
  - i. Household garbage and recycling generated in the Marina shall be deposited in containers supplied for that purpose.
  - ii. Boathouse clean-up and other construction debris **SHALL NOT BE PLACED** in, or alongside, the Marina garbage and recycling containers. If this occurs a fine of \$65.00/hour, plus cost of proper disposal will be assessed.
- h. Pets: All pets in the Marina are required to be always on a leash while on Port owned docks. Pet owners shall immediately cleanup and dispose of all animal waste to proper disposal containers. Placing this material in the waters of the State of Oregon is prohibited. Tenants and/or their guests violating this rule will not be allowed to bring pets into the Marina for the balance of their lease term and could lose their lease.



- i. Persons under the age of 12
  - i. Must be always accompanied by a responsible adult, regardless of whether such persons are identified as a family member of or guest of a Tenant.
  - ii. Must always wear a life jacket while in the Marina
- j. Parking:
  - i. Tenants shall park vehicles in the parking lot adjacent to the Marina.
  - ii. No vehicle shall be in the parking lot for more than 72 hours.
  - iii. Neither the Port, nor its designee, are liable for any theft or damage.
- k. Any boathouse or watercraft that sinks in the Marina shall be removed by the owner at his or her expense.
- l. No space lease for boathouse, boat or any other mooring space at The Dalles Marina may be subleased by tenant to any third party.
- m. The Port, or its designee, and/or the management, operator and/or concessionaire of The Dalles Marina, may issue a "trespass notice" to any person in the Marina for reasons it or they deem sufficient, they would be subject to arrest for trespass, and this would be true even if a tenant desires for the person so noticed to be present in the Marina.

2. All New Marina Tenants:

- a. All new Marina tenants (boathouse or open moorage) shall pass security screening criteria prior to an initial lease agreement being issued.
- b. All new Marina tenants shall provide proof of the following before lease agreement being authorized:
  - i. Boathouse and/or watercraft ownership: a copy of the sales contract or bill of sale and title.
  - ii. Current copy of boathouse ~~and/or watercraft~~ liability insurance with the minimum limit of \$500,000.00, as determined by the Port Commission.
  - iii. Current copy of ~~boathouse and/or~~ watercraft pollution liability insurance with the minimum limit of \$500,000.00, as determined by the Port Commission.
  - iv. **If Marina tenant owns a boathouse and watercraft, it is required to have both liability and pollution liability insurance, as stated above in 2.(b).(ii.) and 2.(b).(iii.)**
  - v. Copy of current watercraft registration.
  - vi. Current photo of watercraft
  - vii. Proof of residency
- c. Only tenants that have passed a background screening shall be issued a key.

3. Annually:

- a. Leases will be issued annually.
- b. Marina tenants will provide a current copy of boathouse ~~and/or watercraft~~ liability insurance with the minimum limit of \$500,000.00, as determined by the Port Commission.

- c. Marina tenants will provide a current copy of ~~boathouse and/or~~ watercraft pollution liability insurance with the minimum limit of \$500,000.00, as determined by the Port Commission.
- d. **If Marina tenant owns a boathouse and watercraft, it is required to have both liability and pollution liability insurance, as stated above in 3.(b.) and 3.(c.).**
- e. Photo of watercraft showing current registration on it.
- f. To demonstrate seaworthiness, at least once between June-August, watercraft must be moved out of its slip and back, using its own power.

#### 4. Watercraft

- a. Watercraft **MAY NOT** be used as principal residences as defined by ORS 09.100 and further defined by ORS 830.700. Overnight stays are limited as follows:
  - i. June 1 – August 31: No more than 45 consecutive overnight stays at any one time.
  - ii. September 1 – May 30: No more than 14 stays in a one-month period.
- b. Watercraft within the Marina must be operated at a speed so as not to create a wake.
  - i. Reported violators will be given one verbal warning to adhere to an appropriate speed; a written notice will be issued for a second reported violation; and report of a third violation will be met with legal action.
- c. Watercraft in the Marina shall be operated according to United States Coast Guard Rules and Regulations.
- d. Watercraft may not be moored to, outside of, or off, the space let to boathouse.
- e. Watercraft engine and bilge maintenance will comply with the following:
  - i. Always use absorbent bilge pads or socks to soak up oil and fuel.
  - ii. Recycle and/or dispose of petroleum products properly.
  - iii. **DO NOT DISPOSE OF ANY FUELS OR USED OIL** in the Marina dumpsters.
  - iv. Oil filters are to be thoroughly drained and disposed of properly.
  - v. **DO NOT DISCHARGE BILGE WATER** if there is a sheen to it.
- f. Watercraft moored in the Marina must, always, be operable and maintained in a seaworthy condition and not constitute a safety, fire, or health hazard, or present a risk of sinking. The Port, or its designee, may ask the Tenant to demonstrate the seaworthiness of their watercraft at any time. The watercrafts hull, keel, decking, cabin, and mast must be structurally sound and free from dry rot or other similar defects or deficiencies. If the watercraft does not comply with these conditions, the Tenant must immediately remove their watercraft from the Marina for repair. If the Port, or its designee, is of the opinion that the watercraft is hazardous to Marina property or facilities, other watercraft, or persons, it will be denied permission to remain on Marina property and be required by the Port, or its designee, to be removed from the Marina at the owner's expense upon receipt of written request from the Port, or its designee. If a watercraft owner has been requested to remove their watercraft from the Marina but is unavailable to do so or refuses to act upon such request, the Port, or its designee, has the right to cause removal of the watercraft from the Marina at the owner's expense, and to terminate the moorage lease.

- g. Watercraft are required to store sewage in holding tanks and dispose of property at the pump-out station.
- h. Watercraft are prohibited from discharging any municipal solid waste while moored in the Marina.
- i. All watercrafts shall be moored to the Port's dock in a secure manner. This system must protect the Port's dock system and surrounding boathouses and/or watercraft.

5. Boathouses

- a. A boathouse is a covered structure on floats used for the protected moorage of a boat. A boathouse is essentially a garage for a boat. A boathouse is not a houseboat or floating home and is not to be used as such within the Marina.
- b. Boathouses located on leased spaces within the Marina are for personal recreational use only, of approved boat owners only. No commercial use may be made of any boathouse located within the Marina.
- c. The Marina is zoned "CR", a Recreational Commercial District within the local zoning law (City of The Dalles). Dwellings are prohibited in this zone under the circumstances existing in the Marina.
- d. Tenants may not live in the boathouse on the leased space. They may not use the boat-house on the leased space as a residence.
- e. Boathouses must be of a dimension, size, design, and color satisfactory to the Port, or its designee.
- f. All boathouse number's must be posted in a visible location on the boathouse.
- g. All boathouses shall maintain a minimum of 12" of freeboard in a uniform manner to ensure there is limited stress on the docks.
- h. All boathouses shall be connected to the Port's dock in a secure manner. This system must protect the Port's dock system and surrounding boathouses and/or watercraft. Connections shall provide a minimum 6" clearance between the Port owned dock and the lessee's boathouse to allow space for maintenance work on the docks and utilities. This space can be left open or provide a hinged, removable cover that will provide the required clearance. All mooring connections and revisions to existing systems must have prior Port, or its designee, approval.
- i. Boathouses with functioning kitchen and/or bathroom facilities are required to hook-up to the Port's sewer system.
- j. Boathouses are required to be regularly maintained and repaired so that the outward appearance and structural condition of all boathouses are of a first-rate, top-quality condition. The following conditions, although not meant to be totally inclusive, are illustrative of violations within the meaning of this rule:
  - i. Paint on boathouse siding, decking, windowsills, doors, roofs, etc., exhibiting a cracking or peeling condition.
  - ii. Roof on the boathouse not securely affixed to the boathouse structure.
  - iii. Absence of siding on boathouse frame including sides, front (that Portion most immediately adjacent to and secured to the Port dock system) and gables when the design of the boathouse structure would be aesthetically enhanced by the

addition of siding (in this latter regard, as in all the Marina rules and regulations, e.g., rule 34 here, the Port Commission is final arbitrator over what constitutes “aesthetic enhancement”).

- iv. Rain gutters and other designed parts of the boathouse which are not securely affixed and functioning.
- v. Removal of vegetation from floats.
- k. Debris, materials, or accessories shall not be stored or otherwise allowed to accumulate outside, whether on or off the space let to the boathouse lessee. Supplies shall not be stored outside boathouses, whether on or off the space let to the boathouse lessee.
- l. Any modifications to a boathouse must be approved in writing by the Port, or its designee, prior to any work being done.
  - i. If an unapproved modification is constructed, and it is determined by the Port, or its designee, that the modification is negatively impacting the marina, the docks, or neighbors, the lease will be terminated.
- m. Boathouses shall be in seaworthy condition and not constitute a safety, fire or health hazard or they shall be removed from the Marina at the owner’s expense.

6. Prohibited

- a. **SWIMMING IS PROHIBITED** in all areas of the Marina.
- b. Boathouses and/or watercraft not marked or identified as required by law will not be permitted within the Marina.
- c. No alteration of slip size, boathouse space or any Port owned components will be permitted.
- d. No additional moorage cleats or tie-ups to be added to the docks in the open moorage areas. If additional cleats are needed, they shall be installed and maintained by the Port, or its designee.
- e. Tenants shall not install or construct any lockers, chests, cabinets, steps, ramps, or similar structure on Port owned facilities.
- f. Watercraft may not be moored to, outside of, or off, the space let to boathouse.
- g. Watercraft are prohibited from discharging any municipal solid waste while moored in the Marina.
- h. Wood-burning stoves, wood-burning fireplaces and all open burning is prohibited in the Marina. This includes any open flame fire pits.
- i. No fishing will be permitted in a manner endangering individuals or impeding the movement of watercraft within the Marina.
- j. Sanitary facilities or any hazardous materials will not be discharged into the Marina. It is illegal to discharge gray water into Oregon waterways.
- k. All fireworks, including sparklers, are **STRICTLY PROHIBITED** from use on Port Property.

7. Emergencies:

- a. For emergency services to aid in the case of an emergency, all boathouses are required to post their boathouse number in a visible location.



- b. The Port, or its designee, has the right to require inspection of any boathouse and/or watercraft in the Marina to ensure seaworthiness and adherence to safety, fire, and health requirements, at the owner's expense.
  - c. In case of an emergency requiring immediate action and/or repairs to lessee's boathouse or watercraft, to protect Port's property or the property of other Marina lessees, the Port, or its designee, shall have the right to perform said emergency actions and/or repairs and charge all costs to lessee.
  - d. The Port, or its designee, is not responsible for any loss or damage to boathouse or watercraft in the Marina. Each owner will be held responsible for damage which he/she may cause to other boathouses or watercraft in the Marina or for damage to any Port structure.
8. All Marina Rules and Regulations are enacted, reviewed, and revised from time to time by the Port of The Dalles Commission. The Marina Rules and Regulations have been expressly adopted:
- a. To provide for the orderly and safe use by the public of the Marina and the parking areas and other Port property adjacent to it.
  - b. To provide for the maintenance and improvement of the visual and aesthetic appearance of the Marina and surrounding Port properties near it (including boathouses and watercraft moored in it).
  - c. To provide for the protection of the Port's improvements and properties within the Marina and on Port properties nearby.
  - d. To provide and protect the general use and enjoyment of the space and slip rentals within the Marina for the benefit of Port Marina tenants and/or lessees within the Marina; and
  - e. To provide for the benefit of the public, regarding safety, health, and welfare within the Marina and on the Port's properties nearby.
9. In construing the meaning of any of the Marina Rules and Regulations herein, or of any clause, phrase, provision, or portion thereof, the lessee or tenants within the Marina, and the public using same, are bound by the final determination of the Port of The Dalles Commission regarding any such construction, interpretation or meaning.
10. Whenever reasonably practicable, updates and revisions of these Marina Rules and Regulations, which may be revised from time to time by the Port Commission, shall be delivered or mailed to the tenants and/or lessees within the Marina.

## PORT OF THE DALLES AGENDA ITEM

Meeting Date: September 15, 2021

Subject: **I-5.) RESOLUTION NO. 21-005 AUTHORIZING AN INTERFUND LOAN FROM THE GENERAL FUND TO MARINA FUND**

➤ Resolution No. 21-005 Authorizing an Interfund Loan from the General Fund to Marina Fund

Staff Recommendation: **Approve Resolution No. 21-005 Authorizing an Interfund Loan of \$500,000.00 from the General Fund to the Marina Fund as presented**

**RESOLUTION NO. 21-005**

**A RESOLUTION AUTHORIZING AN INTERFUND LOAN OF \$500,000.00 FROM THE GENERAL FUND TO THE MARINA FUND TO PROVIDE FINANCING FOR EXPENDITURES INCURRED FROM THE UNFORESEEN OCCURRENCE OF A FIRE AT THE DALLES MARINA**

**WHEREAS**, ORS 294.468 allows municipal corporations to loan money from one fund to another for the purpose of capital loans, and;

**WHEREAS**, an interfund loan is a capital loan, it must be repaid within ten (10) years of its authorization, and;

**WHEREAS**, the capital loan shall bear interest at an annual rate equal to the rate of return on moneys invested in the investment pool under ORS 294.805 immediately prior to the adoption of the resolution authorizing the loan; or such other rate as the governing body may determine, and;

**WHEREAS**, the Port of The Dalles Marina Fund does not have sufficient resources to pay for expenditures from the unforeseen occurrence of a fire at the marina on July 3, 2021, and;

**WHEREAS**, the General Fund has funds available to loan to the Marina Fund for expenditures incurred from the fire at the marina from the Transfer to Other Funds category/line item.

**NOW, THEREFORE, BE IT RESOLVED THAT THE PORT OF THE DALLES** authorizes an Interfund Loan from the General Fund to the Marina Fund in the amount of \$500,000.00, to be repaid annually at 1% interest for 10 years, with the final payment due in 2031, as follows:

<b>Loan Date:</b>	09/15/2021	<b>Payment Interval:</b>	Annually
<b>Principal:</b>	\$500,000.00	<b>No. of Payments:</b>	10
<b>Interest Rate:</b>	1.00%	<b>Payment:</b>	\$52,791.04

<b>Date</b>	<b>Principal</b>	<b>Interest</b>	<b>Payment</b>	<b>Balance</b>
09/15/22	\$47,791.04	\$5,000.00	\$52,791.04	\$452,208.96
09/15/23	\$48,268.95	\$4,522.09	\$52,791.04	\$403,940.01
09/15/24	\$48,751.64	\$4,039.40	\$52,791.04	\$355,188.37
09/15/25	\$49,239.16	\$3,551.88	\$52,791.04	\$305,949.21
09/15/26	\$49,731.55	\$3,059.49	\$52,791.04	\$256,217.66
09/15/27	\$50,228.86	\$2,562.18	\$52,791.04	\$205,988.80
09/15/28	\$50,731.15	\$2,059.89	\$52,791.04	\$155,257.65
09/15/29	\$51,238.46	\$1,552.58	\$52,791.04	\$104,019.19
09/15/30	\$51,750.85	\$1,040.19	\$52,791.04	\$52,268.34
<u>09/15/31</u>	<u>\$52,268.34</u>	<u>\$522.68</u>	<u>\$52,791.04</u>	<u>\$0.00</u>
<b>Total</b>	<b>\$500,000.00</b>	<b>\$27,910.38</b>	<b>\$527,910.38</b>	<b>\$0.00</b>

**PASSED, APPROVED AND ADOPTED BY THE PORT COMMISSION THIS 15<sup>TH</sup> DAY OF  
SEPTEMBER 2021**

**SIGNED:**

**ATTEST:**

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**Greg Weast, President  
Board of Commissioners**

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**David A. Griffith, Secretary  
Board of Commissioners**

## PORT OF THE DALLES AGENDA ITEM

Meeting Date: September 15, 2021

Subject: **I-6.) RESOLUTION NO. 21-006 ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2021-2022**

➤ Resolution No. 21-006 Adopting a Supplemental Budget for Fiscal Year 2021-2022

Staff Recommendation: **Approve Resolution No. 21-006 Adopting a Supplemental Budget for Fiscal Year 2021-2022 as presented**



**RESOLUTION NO. 21-006**

**A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2021/2022, MAKING APPROPRIATIONS AND AUTHORIZING EXPENDITURES, FROM THE PORT OF THE DALLES GENERAL FUND TO THE MARINA FUND ADOPTED BUDGET**

**WHEREAS**, ORS 294.471 allows for a supplemental budget if an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning, and;

**WHEREAS**, a pressing necessity creates a need for prompt action, and;

**WHEREAS**, the supplemental budget will change the fund’s expenditure by more than 10%; therefore a public notice was published on September 8, 2021 for a supplemental budget hearing on September 15, 2021, and;

**WHEREAS**, the Marina Fund does not have sufficient resources to pay for expenditures from the unforeseen occurrence of a fire at the marina on July 3, 2021, and;

**WHEREAS**, the General Fund made an Interfund Loan (Resolution No. 21-005) to the Marina Fund for expenditures from the unforeseen occurrence of a fire at the marina.

**NOW, THEREFORE, BE IT RESOLVED THAT THE PORT OF THE DALLES COMMISSION:**

**1. Adopt the Supplemental Budget.** The Port Commission hereby adopts the Supplemental Budget for FY 2021/2022, increasing revenues and making appropriations as follows in the Summary of Supplemental Budget Line-Item Detail:

<u>Fund</u>	<u>Resource</u>	<u>Amount</u>	<u>Requirement</u>	<u>Amount</u>
General	Beginning Cash on Hand	\$500,000	Transfer to Other Funds	\$500,000
<b><u>Revised Total Fund Resources</u></b>		<b>\$1,162,189</b>	<b><u>Revised Total Fund Requirements</u></b>	<b>\$1,162,189</b>

\*To provide an Interfund Loan (Transfer Out) to the Marina Fund for expenditures incurred from the unforeseen fire at the marina.

<u>Fund</u>	<u>Resource</u>	<u>Amount</u>	<u>Requirement</u>	<u>Amount</u>
Marina	Fire Emergency	\$500,000	Capital Outlays/Fire Emer.	\$500,000
<b><u>Revised Total Fund Resources</u></b>		<b>\$554,738</b>	<b><u>Revised Total Fund Requirements</u></b>	<b>\$554,738</b>

\*To receive an Interfund Loan (Transfer In) from the General Fund for expenditures incurred from the unforeseen fire at the marina.

\*Under Resources add a line item under category Other Resources: Fire Emergency to receive the Transfer In. Under Requirements, add a line item under category Capital Outlays: Fire Emergency

**2. Effective Date.** This Resolution shall become effective upon adoption by the Port Commission and shall remain in effect until receipt and acceptance of the Fiscal Year 2021-2022 Audit Report.

**PASSED, APPROVED AND ADOPTED BY THE PORT COMMISSION THIS 15<sup>TH</sup> DAY OF  
SEPTEMBER 2021**

**SIGNED:**

**ATTEST:**

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**Greg Weast, President  
Board of Commissioners**

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**David A. Griffith, Secretary  
Board of Commissioners**

## PORT OF THE DALLES AGENDA ITEM

Meeting Date: September 15, 2021

Subject: **I-7.) RESOLUTION NO. 21-007 AUTHORIZING BUDGET TRANSFERS, MAKING APPROPRIATIONS, AUTHORIZING EXPENDITURES FOR FISCAL YEAR 2021-2022**

➤ Resolution No. 21-007 Authorizing Budget Transfers, Making Appropriations, Authorizing Expenditures for Fiscal Year 2021-2022

Staff Recommendation: **Approve Resolution No. 21-007 Authorizing Budget Transfers, Making Appropriations, Authorizing Expenditures for Fiscal Year 2021-2022 as presented**

**RESOLUTION NO. 21-007**

**A RESOLUTION AUTHORIZING A TRANSFER OF A BUDGETED AMOUNT BETWEEN FUNDS OF THE PORT OF THE DALLES ADOPTED BUDGET, MAKING APPROPRIATIONS AND AUTHORIZING EXPENDITURES FOR THE FISCAL YEAR 2021-2022**

**WHEREAS**, ORS 294.463 allows for transfers of appropriations within fund or between funds ORS 294.463(3), and;

**WHEREAS**, during the budget year certain funds may experience expenditures above approved category limits, and;

**WHEREAS**, the Marina Fund that does not have sufficient resources to pay for expenditures from the unforeseen occurrence of a fire at the marina on July 3, 2021, and;

**WHEREAS**, the General Fund made an Interfund Loan to the Marina Fund (Resolution No. 21-005) for expenditures from the unforeseen occurrence of a fire at the marina, and;

**WHEREAS**, a Supplemental Budget for Fiscal Year 2021-2022 was adopted (Resolution No. 21-006), and;

**WHEREAS**, \$500,000 is requested from Transfer to Other Funds in the General Fund to Fire Emergency in the Marina Fund.

**NOW, THEREFORE, BE IT RESOLVED BY THE PORT OF THE DALLES COMMISSION AS FOLLOWS:**

- 1. Authorizing Budget Transfer.** The Port Commission hereby authorizes the following transfer between budgeted funds and line-item details: Appropriation in the amount of \$500,000 to be transferred from the 'General Fund, Transfer to Other Funds' to the 'Marina Fund, Fire Emergency'
- 2. Effective Date.** This Resolution shall become effective upon adoption by the Port Commission and shall remain in effect until receipt and acceptance of the Fiscal Year 2021-2022 Audit Report.

**PASSED, APPROVED AND ADOPTED BY THE PORT COMMISSION THIS 15<sup>TH</sup> DAY OF SEPTEMBER 2021**

**SIGNED:**

**ATTEST:**

\_\_\_\_\_  
**Greg Weast, President  
Board of Commissioners**

\_\_\_\_\_  
**David A. Griffith, Secretary  
Board of Commissioners**