

## Board Meeting Minutes

Tuesday, August 6, 2019  
9:00 am (Mountain Time)  
Plaza Restaurant  
812 SW 4<sup>th</sup> Avenue, Ontario, OR 97914  
Conference Call Number: 541-896-1824

### Members Present:

- Grant Kitamura, Board President
- Lynn Findley, Board Vice President
- Greg Smith, Officer of the Board
- Kay Riley (via phone)
- Toni Parish (via phone)

### Staff:

- John L. Braese

### Regular Board Meeting Call to Order:

The meeting was called to order at 9:02 am with special guests present:

- Malheur County Commissioner Larry Wilson
- Michael Ybarguen, Idaho Power
- Tiffany Cruickshank (via phone)
- Larry Meyer, Argus Observer
- Joe Siess, Malheur Enterprise

### Discussion and Action: Review and approval of July 30, 2019 meeting minutes.

Board Vice President Lynn Findley made a motion to approve the minutes of July 30, 2019 with a small change on page 2. The motion was seconded by Officer of the Board Greg Smith. By unanimous vote, the minutes were approved.

### Discussion and Action: Milestones

Board President Grant Kitamura handed the meeting over to Smith to discuss the document prepared by the Oregon Department of Transportation and forwarded to Malheur County Development Corporation regarding milestones of the project. Smith stated the dollar figures on the document would change over time and that the document was to be returned to ODOT by Friday, August 9, 2019.

Kitamura expressed concern over the phrasing of “breaking ground” by the end of the year. Smith explained the approval of the project by the Oregon Transportation Commission did meet the statutory intent of the bill. Smith also said the state agency is following the standard approach in the handling of the money in incremental stages. Currently, Anderson Perry and Rail Pros are working on the milestone document.

Smith advised of adding an independent third party to act as cost estimator throughout the project.

Smith also explained the Tioga Group would be kept on by the state as a third-party evaluator and praised their expertise.

### **Discussion: Meeting with Americold**

Smith informed the board an earlier meeting with Americold was positive. Legal staff are currently preparing documents to keep further discussions confidential per ORS 192.345 (2) and:

*Trade secrets. “Trade secrets,” as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within an organization and which is used in a business it conducts, having actual or potential commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it..*

ORS 192.355 (4).

*Information submitted to a public body in confidence and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, the public body has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure.*

### **Discussion: Meeting with Froerer family**

Smith briefed the board on a meeting regarding a private rail crossing with members of the Froerer family. Smith reported the meeting as positive and multiple options were being investigated.

### **Discussion: Nyssa Chamber of Commerce newspaper**

Smith thanked the Nyssa Chamber of Commerce for an article in the August 2019 edition of the About Town newspaper. Numerous members of the board also expressed appreciation for the article regarding the reload facility.

### **Discussion: Line of Credit**

Smith recommended the board consider beginning the search for a lender to assist in a line of credit for the project. Smith stated the minimum amount needed is \$500,000 in the early stages of the project.

**Discussion: Governor's visit**

Findley stated his recent contact with the Governor's office resulted in a probable visit in October to hold a formal ceremony for the project. Findley will again contact the Governor's office and obtain a firm date.

**Adjournment:**

With no further discussion, the meeting was adjourned at 9:28 am.

Respectfully Submitted:

Greg Smith, Officer to the Board