



North Coast Railroad Authority
419 Talmage Road, Suite M
Ukiah, Ca 95482

NORTH COAST RAILROAD AUTHORITY (NCRA) Board of Directors Meeting

Humboldt County Board of Supervisors Chambers
825 5th Street, Eureka, Ca.
Humboldt County
Wednesday, January 9, 2019 - 10:30 a.m.

MINUTES

A. CALL TO ORDER

Chair Wagenet called the meeting to order at 10:38 a.m.

B. ROLL CALL

Director Present: Kelley, Hart, Breen, Marks, Hagele, McCowen, Fennell, Peters, and Chair Wagenet

Others Present: Executive Director – Mitch Stogner, Legal Counsel – Chris Neary. For Board Presentations: Hank Seemann – Humboldt County Deputy Director Environmental Services, Pete Oringer – Timber Heritage Association, Uri Driscoll – Rail Runner Humboldt Bay, Tim Callison – Security National, and Recording Secretary – Hiedy Torres.

C. AGENDA APPROVAL

Upon Motion by Director Breen, seconded by Director McCowen the Agenda was Unanimously Approved with the following addition as requested by Legal Counsel, Chris Neary - Item F.8 was added: Routine Request by Humboldt Wind, LLC.

D. PUBLIC COMMENT

Chair Wagenet asked for a moment of silence to honor John Williams of NWP Co.

Kent Sawatsky- Mr. Sawatsky said that the future of Humboldt County is dependent on NCRA as it transitions to a Trail Agency. He also said that the existing track is needed in Humboldt County and asked that NCRA continue to work with the county to maintain Rails with Trails.

Patty Clary, Californians For Alternative to Toxins – Ms. Clary said that NCRA's 2011 EIR did not adequately cover the toxic impact on the railroad. She also said that she is hopeful that a settlement can be reached, and she would like to renew discussions and see that the EIR is rescinded and that no appeal be made on the fee decision.

Stephanie Tidwell, Executive Director - Friends of the Eel River- Ms. Tidwell said that we are moving towards rails to trails and she hopes that we see a pivot and forward movement with environmentally sustainable development of trails in the rail corridor.

At the request of Chair Wagenet, Item F.1 was discussed prior to Presentations (E).

E. PRESENTATIONS

- 1. Hank Seeman, Deputy Director of Environmental Services, Humboldt County -** City of Blue Lake Grant Funding for Annie & Mary Trail

Public Comment:

Kent Sawatsky – Mr. Sawatsky said he lives in Blue Lake and he supports this project and really likes the trail plan.

Mike Foggets – Mr. Foggets said that parking is an issue, and this is not a preferred route of travel, but that parking will be diverted away from the proposed trail.

Chair Marks directed staff to contact Caltrans and necessary state agencies for approval of this project.

- 2. Uri Driscoll, Timber Heritage Association** – Pedal Rail Bikes

Chair Marks referred this item to the Ad Hoc NCRA/Humboldt Bay Rail Trail Corridor Committee for further discussion.

Public Comment:

Pete Oringer, Timber Heritage Association (THA) – Mr. Oringer said that the THA is happy to work with NCRA and Humboldt Bay Rail Runners to move forward on this project.

Bruce Severson, Timber Heritage Association (THA) – Mr. Severson said he is very supportive of this project.

Rod Robinson, Timber Heritage Association (THA) – Mr. Robinson said that the THA would be willing to conduct safety training for Rail Bike operators at no cost to the NCRA, and that any weed abatement costs will be assumed by the THA.

Travis May, Humboldt County business owner – Mr. May said he supports the rail runners and the Timber Heritage Association.

Kent Sawatsky – Mr. Sawatsky said that he thinks it is important to move forward with this project and to preserve this portion of the rail line.

F. CONDUCT OF BUSINESS

- 1. Election of Board Officers for Calendar Year 2019**

Upon Motion by Director Kelley, seconded by Director McCowen the Board Unanimously Approved Appointment of Director Marks as Chair and Director Hagele as Vice Chair for 2019.

Public Comment:

Kent Sawatsky – Mr. Sawatsky said that he opposes the bullying of Director Marks and he believes Director Marks is a good man.

At the request of Director Fennell, Agenda Item F.5 was discussed following Item F.1.

2. Appointments to NCRA Committees for Calendar Year 2019

Upon Motion by Director Fennell, seconded by Director Peters the Board Unanimously Approved Appointments to NCRA Committees for Calendar Year 2019 with the following changes:

NCRA Finance Committee – Director Hart will be removed from the Committee and Director Breen will be added to the Committee;

Ad Hoc Lease Renegotiation Committee, Ad Hoc Strategic Plan Committee, and the Ad Hoc Cloverdale Property Committee were all eliminated;

Ad Hoc NCRA Legislative Committee – Director Hart replaced Director Kelley as the Chair of this Committee; and

Ad Hoc Trail and Railbanking Committee was formed with Director Hart as the Chair and Directors McCowen, Fennell, and Breen as Committee members.

3. Discussion and Possible Action Regarding Approval of 2019 Timber Heritage Association Speeder Schedule

Upon Motion by Director Fennell, seconded by Director Hagele the Board Unanimously Approved 2019 Timber Heritage Association Speeder Schedule.

4. Discussion and Possible Action Regarding City of Eureka Community Art Program

Upon Motion by Director Kelley, seconded by Director Fennell the Board Unanimously Approved City of Eureka Community Art Program.

5. Discussion and Possible Action Regarding Security National Request Relative to NCRA Railroad Easement at Fairhaven

Upon Motion by Director Fennell, seconded by Director Wagenet Agenda Item F.5 was Unanimously Approved for referral to the Property Committee for further review.

Public Comment:

Kent Sawatsky- Mr. Sawatsky said he would like to see a funding plan for this project.

6. Discussion and Possible Action Regarding Property Committee Recommendation Relative to Ukiah Depot Improvements

Upon Motion by Director Kelley, seconded by Director McCowen the Board Unanimously Approved Direction to Staff: Continue working with Guillon Inc. and the City of Ukiah and report back to the Board.

7. Discussion and Possible Action Regarding SB1029 (McGuire)

Discussion Only. No Action Taken.

8. Discussion and Possible Action Regarding Routine Request by Humboldt Wind, LLC for NCRA to Authorize Humboldt County to process an application for a project on the former Pacific Lumber site.

Chair Marks directed staff to contact Humboldt County to provide Authorization for Humboldt Wind, LLC to submit an application for this project.

G. CONSENT CALENDAR

1. Approval of Minutes – Regular Board Meeting – November 14, 2018
2. Approval of Minutes – Property Committee Meeting – December 5, 2018
3. Approval of NCRA Financial Statements – November and December 2018
4. Approval of Warrants Issued – November and December 2018
5. Approval of Cal Card Statement – November and December 2018
6. Approval of Property Management Report – November and December 2018
7. Approval of Resolution 2019-01 - Amending NCRA Property Budget FY 2018-19

Upon Motion by Director Peters, seconded by Director Hagele Consent Calendar Item G.6 was removed and Items G.1 through G.5 were Unanimously Approved as presented, and Item G.7 was removed and added as a separate Item for a roll call vote.

Upon Motion by Director Peters, seconded by Director Breen Consent Calendar Item G.7 was Unanimously Approved as presented.

H. OPERATOR REPORT – Doug Bosco – Legal Counsel NWP Co.

Director Peters will contact NWP Co. for an update and report back at the February meeting with an Operator Report.

I. STAFF REPORT – Mitch Stogner – Executive Director

No Report.

J. LEGAL COUNSEL REPORT – CJ Neary

No Report.

K. MATTERS FROM THE BOARD

No Report.

Chair Marks adjourned the meeting to Closed Session at 1:32 p.m.

L. CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

- a. Ukiah Depot Property, including Mason Street Property
Negotiation Regarding Disposition of Ukiah Depot Property, including Mason Street Property
Agency Negotiators: Mitch Stogner, Chris Neary
Under Negotiation: Price, Terms

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Government Code Section 54956.9(a) two cases

- a. CATS V. NORTH COAST RAILROAD AUTHORITY

Marin County Superior Court Case No. CIV-1103591

- b. KO-RI INC. V. NORTH COAST RAILROAD AUTHORITY

Sonoma County Superior Court Case No. SCV-263454

3. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL INITIATION OF LITIGATION
Government Code Section 54956.9(c) one case

M. ANNOUNCEMENT OUT OF CLOSED SESSION

Chair Marks reconvened the meeting to Open Session at 2:48 p.m.

Chair Marks reported out of Closed Session.

The Board has decided to make a Substitution of Counsel for Item 2(a).

Agenda Items 2(b) and 3 were discussed, and No Action was taken.

N. ANNOUNCEMENT OF NEXT MEETING

Regular Board Meeting
Wednesday, February 13, 2019 - 10:30 a.m.
Healdsburg City Council Chambers
401 Grove Street, Healdsburg, CA
Sonoma County

O. ADJOURNMENT

Chair Marks adjourned the meeting at 2:49 p.m.