

Port of Silverdale – Minutes of Regular Meeting on January 17, 2019

Port of Silverdale
Minutes of Regular Meeting
January 17, 2019

1. CALL TO ORDER

Commissioner Lawrence Greaves called the meeting to order at 7:00 PM in the Port office. Also present were Commissioner Henry Aus; Commissioner Ed Scholfield; Attorney Phil Best; Administrator Theresa Haaland; Mike Vasquez of MTV Home Repair; Bridget Burke of Clam Island Rowing (CIR); John Bouck, Greg Jacobs and Steve Trunkey of Kitsap Sailing and Rowing Foundation (KSRF); Carla Larson of Whaling Days; John Kuntz and Forrest Wells of Olympic Outdoor Center (OOC); Ron Easterday of Rice Fergus Miller (RFM); Andrew Thorsen of Art Anderson Associates (AAA); Mickey Hall; Randy and Marvel Hunt; Caleb Reese; and Tim Knapp of TIKAR Services arrived at 7:14PM.

1.1. Agenda – *the agenda was approved as submitted* (motion by Aus, second by Scholfield, unanimous).

2. CONSENT AGENDA

2.1. *The December 20, 2018 Regular meeting minutes and the January 8, 2019 Special meeting minutes were approved as submitted* (motion by Aus; second by Scholfield, unanimous).

3. ELECTION OF OFFICERS

3.1. *It was agreed that Commissioner Scholfield will serve as Chairman* (motion by Aus; second by Scholfield, unanimous).

It was agreed that Commissioner Aus will serve as Secretary (motion by Scholfield; second by Aus, unanimous).

Commissioner Scholfield began to chair the meeting.

4. PUBLIC COMMENT –

4.1. Complaint – Kymberly Smith was scheduled on the agenda, but was not in

attendance. Ms. Smith called the Port office to make a complaint against the Safe Security guard on duty on the night of December 29th, 2018. She claimed the guard was very abrupt and intimidating. Also, a local Old Town resident, Christine Reed, came into the Port office to make a similar complaint against the guard who was on duty on December 31st, 2018. It was believed to be the same guard. A call was placed to both Christine Scott the owner of Safe Security as well as Jason the supervisor. They have since discussed the complaints with the officer.

4.2. Shelter on pier – John Kuntz of OOC was notified that the Commissioners decided last month that OOC would be charged half of the seasonal rent for the shelter to remain on the pier during the off-season. OOC pays \$500 plus \$64.20 for Leasehold/Excise Tax from June through September. Mr. Kuntz explained that OOC cannot afford to pay \$282.10 during the offseason. He provided a handout showing the rates charged by the Port of Poulsbo, which is \$.49 a square foot. With the rack removed the footprint of the structure out on the pier is 120 square feet. He asked that the Commissioners consider charging a per square foot fee similar to the Port of Poulsbo, which would come to \$58.80 per month. Randy Hunt asked if the building is legal since it is actually a permanent structure and no permit was obtained to build it. When OOC first proposed the venture to the Port it was said that the structure would be temporary and since permits are not required for temporary structures OOC did not obtain a permit, but since it is staying on the pier it would most likely be considered a permanent structure. Greg Jacobs said that since it is just 120 square feet and doesn't include electricity it is more like a shed, which wouldn't require a permit. Mr. Hunt suggested the Port call the County and ask. Commissioner Scholfield explained that it's not the Port's place as it was outlined to OOC that they could build the

Port of Silverdale – Minutes of Regular Meeting on January 17, 2019

structure on the pier contingent upon receiving all the required permits. Caleb Reese voiced his dissatisfaction with the building still being on the pier. He said that it was originally agreed by Commissioners to allow OOC to build a temporary structure on the pier, which would be there for approximately four months out of the year. As a member of the public that has to look at the structure year-round; he is not happy. Commissioner Scholfield said that either the agreement needs to be modified or OOC should pay half of the seasonal rent according to last month's decision. Mr. Kuntz said that it's marginal for his business to be at the Silverdale location, especially with the random sewage spills that cause his business to close. Phil suggested the building be made into a portable structure so that it can be removable. Mr. Jacobs said that he worries anything more temporary than the current structure would cause damage to the pier. Commissioner Aus suggested the Port charge one-fourth of the normal amount. Mr. Reese disagreed and said that for that amount you can't even rent a storage space in the area and he feels that OOC is taking advantage of the Port and the public because they got permission from the Port to use an area of the pier for a temporary structure and it turns out to be a permanent structure. Commissioner Greaves suggested OOC pay the Port \$100 per month during the off-season. Phil said that he didn't think the State Auditor would have a problem with that but the Commissioners need to find the balance between the Port's obligation to the public and working with OOC. ***Commissioner Greaves moved to charge Olympic Outdoor Center \$100 per month, which includes Leasehold/Excise tax, to keep the concession stand on the pier from October through May, second by Commissioner Aus.*** Discussion: Bridget Burke suggested the stand become a Port facility and the Port rent it out to OOC or whoever wants to rent it. Phil said that generally within the Port's leases when an item becomes a fixture it belongs to the Port. The stand is kind of a

fixture now, so that could be considered. ***The motion carried unanimously.***

4.3. 3295 NW Lowell Street – tenants Tina Abeel and David Holman were scheduled to attend tonight's meeting, but were not in attendance. They wanted to negotiate entering into a longer lease.

4.4. Whaling Days – Carla Larson provided the signed Use of Port Property Application for the 2019 festival. Prior to signing the application Commissioner Scholfield crossed out "excluding the dock". Phil agreed that it should be crossed out because festival goers also go on the pier and docks. Ms. Larson agreed.

4.5. Pump Station 3 & Port Waterfront Plan Update – Ron Easterday provided overwater concepts and a list of user priorities and solutions. The two concepts, Option 1 and Option 2, were reviewed. Andrew Thorsen of AAA explained that it was determined that the idea to move the existing docks to create space for a non-motorized boating area was not practical. Mr. Easterday explained that RFM is just hoping to get a general concept so that they can make a big stride to finish up the Port's comp plan. It was agreed that Option 2 was the more desirable of the two concepts. Mr. Easterday made note of several changes to the design that were discussed. Phil has not yet talked to Kim Sellars the Port's Grant Manager with the Recreation Conservation Office (RCO). Once the design is updated he plans to contact Ms. Sellars to discuss. Phil will draw up an interlocal agreement between the Port and the County regarding the new placement of the pump station. Mr. Easterday said that it is his understanding that the County will be working on the project design in May 2019 and the Port needs to be involved and suggested that contact be made with the County as soon as possible. Amendment 2 to RFM's contract with the Port has not been signed. Commissioner Greaves and Phil will

Port of Silverdale – Minutes of Regular Meeting on January 17, 2019

schedule a time to meet with RFM personnel to further discuss the amendment. Ms. Burke asked how the Port manages funds for capital improvement projects. It was explained that the Port has some funds set aside for projects, but for the most part the Port would be relying on RCO grants.

5. UNFINISHED BUSINESS –

5.1. Port Programs

a. Sailing – the end-of-year report was reviewed.

b. Rowing – Ms. Burke explained that CIR was able to use the Port's government rate with AquaTech to purchase a new motor for the Boston Whaler, which is intended to be donated to the Port. So now CIR has two safety boats available which should grow the program even more allowing experienced rowers out on the water at the same time as less experienced rowers. CIR will also be installing a rolling gate on the street side of Rowing Alley.

c. Agreement – Phil provided two separate agreements between the Port and Kitsap Sailing and Rowing Foundation as well as Clam Island Rowing. The agreements were reviewed. *It was agreed to enter into the Agreement between the Port of Silverdale and Kitsap Sailing and Rowing Foundation and Clam Island Rowing for Administration and Management of the Port's Sailing and Rowing Programs* (motion by Aus; second by Greaves; unanimous). The agreements were signed by the Commissioners and John Bouck signed for KSRF. Ms. Burke explained that she would present the agreement to the CIR Board for approval and signature at their February 1st, 2019 meeting. Several details of this transition have yet to be determined including insurance coverage, payment processing, etc. Since registration for sailing classes is basically in process, it was agreed that participants will make payments directly to the Port in the form

of a check and delivered to the Port office. Mr. Trunkey agreed that would work for now, with the goal of having on-line registration in place prior to the summer registration.

d. Non-motorized boat storage – nothing to report.

5.2. Port Facilities

a. Dredging – payment in the amount of \$14,990.83 to Marine Surveys and Assessments (MSA) is being authorized at tonight's meeting.

b. Port Rules/No Wake Buoys – Tim provided an estimate for installing "no wake" buoys at the Port's outer water boundary. *It was agreed to authorize TIKAR Services to install four buoys as outlined in Estimate #2019-1051 totaling \$7,848.00* (motion by Greaves; second by Aus, unanimous).

c. Department of Natural Resources (DNR) expansion of the Port's outer water boundaries - nothing to report.

d. Gangway redesign – Tim plans to bring options of a new design to next month's meeting.

e. Sailboat (WN6823JF) continues to be chained to the Port's facility.

f. Website – Commissioner Scholfield continues his efforts on the new website.

5.3. Port Properties

a. 9020 Washington Avenue/Elizabeth's House of Wax – Mike reported that the new flooring is being installed. The sewage grinder in the basement of the adjacent building (9004 Washington Avenue/DRC) had a slight leak. Mike fixed it.

Port of Silverdale – Minutes of Regular Meeting on January 17, 2019

b. 3473 NW Byron Street/Vacant –

Ordering a cost estimate report for the building continues to be tabled. The Port received several notices about a piece of loose metal on the roof which was a safety concern because it looked as if it might fall off at any time. The pitch of the roof is very steep and it was determined that several areas in the roof are rotten, so it was a safety hazard for anyone without the proper equipment to access the roof. Emel Tree Service was called and with the use of their bucket truck they removed the hazardous metal. They contacted the Port to inform there wouldn't be a charge and wished the Port a happy 2019. It was agreed to send Emel Tree Service a thank you letter from the Port.

c. 3215 Lowell, Suite 231 – a check in the amount of \$530.00 to Lee Ann Rhoden is being authorized at tonight's meeting. This is a refund of the \$230 last month's rent as Ms. Rhoden prepaid eight month's rent, and the \$300 damage deposit as the condition of the unit was left satisfactory.

5.4. Eagle Scout Service Project – Tim hasn't heard from the Eagle Scout, Jack West. The e-mail that was sent to Mr. West providing him with Tim's information will be resent. Mr. Trunkey explained that he knows another Eagle Scout that is looking for a project to earn his badge. Mr. Trunkey has a few ideas that would benefit the Port, which he plans to further discuss with Tim.

5.5. Paving of alley – Phil hasn't received a response from the County regarding the need for a right-of-way permit to pave the alley. Commissioner Scholfield said that the portion of the alley on the west side of Washington

was destroyed. A call was placed to the County to request them to repair it. The County said that they don't deal with alleyways; it is the responsibility of the local property owners. So apparently a right-of-way permit would not be necessary. Commissioner Scholfield requested the Port just go ahead and get the alley paved.

6. NEW BUSINESS

6.1. Rule addition – Commissioner Scholfield reported that there are a number of individuals smoking marijuana on Port property. It was agreed that "No Smoking Marijuana" would not need to be added to the Port's rules since it is illegal to smoke it in public. It was agreed that individuals known to be smoking marijuana on Port property should be given a warning and if it continues or they refuse to stop they should be trespassed.

6.2. Silverdale Chamber had requested Port staff to write up an article about the Port to be added to the 2019 Destination Guide. The article was attached to the agenda packet for the Commissioners to read at their leisure.

6. SAFETY – nothing to report.

7. APPROVE EXPENDITURES & ELECTRONIC TRANSFER

The attached voucher approval totaling \$53,151.33, checks numbering 11975 through 12004 and Electronic Funds Transfer 2019-01 to the U.S. Treasury in the amount of \$1,717.34, were approved (motion by Aus, second by Scholfield, unanimous).

8. EXECUTIVE SESSION – At 8:52PM it was announced that the meeting would be going into Executive Session for approximately ten minutes to discuss possible litigation.

Port of Silverdale – Minutes of Regular Meeting on January 17, 2019

At 9:05PM the meeting returned to Regular Session.

Commissioner Scholfield said that the gutter on the Old Town Tavern is about ready to fall off and someone once again broke into the building. It has since been secured.

Commissioner Scholfield said that he might purchase a camera and aim it at the building. Phil explained that he received a call from an individual who is interested in salvaging as much as possible from the building. It was agreed that determining the salvage value would be beneficial.

9. ADJOURN

At 9:10PM the meeting adjourned (motion by Aus, second by Scholfield, unanimous).

Approved:



Henry Aus, Commissioner

Lawrence Greaves, Commissioner



Ed Scholfield, Commissioner

