

# Port of Silverdale – Minutes of Regular Meeting on March 21, 2019

**Port of Silverdale**  
Minutes of Regular Meeting  
March 21, 2019

## 1. CALL TO ORDER

Commission Chairman Ed Scholfield called the meeting to order at 7:00 PM in the Port office. Also present were Commissioner Lawrence Greaves; Commissioner Henry Aus; Attorney Phil Best; Administrator Theresa Haaland; Steve Trunkey of Kitsap Sailing and Rowing Foundation (KSRF); Gus Housen of Whaling Days; Roy Sahali of Sahali Farms; Ron Easterday of Rice Fergus Miller (RFM); Laurie Aardal of the Hawaiian Canoe Club – Hui Heihei Wa'a; Kevin Cavanaugh; Mickey Hall; Marvel Hunt; Caleb Reese; and Tim Knapp arrived at 7:40PM.

1.1. Agenda – *the agenda was approved with the addition of “Transferring Boats” for discussion under 4.1.a* (motion by Greaves, second by Aus, unanimous).

## 2. CONSENT AGENDA

2.1. *The February 21, 2019 Regular meeting minutes were approved as submitted* (motion by Aus; second by Scholfield, passed. Commissioner Greaves abstained as he was not present at the February meeting).

## 3. PUBLIC COMMENT –

3.1. Non-motorized boat storage – Laurie Aardal of Hui Heihei Wa'a canoe club explained that the club took possession of the new light weight carbon racer canoe earlier than anticipated and decided to store it on the south side yard at the Port's 3215 Lowell Street property. She thanked the Commissioners for offering the space. It works out well as the canoe is somewhat out of sight yet close to the water. Ms. Aardal explained that it is Hawaiian culture to bless a canoe prior to taking it out on the water. She said she would let the Port know when the blessing is to take place.

3.2. Whaling Days – Carla Larson was not in attendance as anticipated. Gus Housen of

Whaling Days explained that he will probably be the new Whaling Days representative. He has issues he plans to address at a future meeting.

3.3. Port Waterfront Plan Update – Ron Easterday asked if there were any comments about the draft comprehensive plan amendment RFM provided last month. Commissioner Aus explained that he tabbed minor items he would like to see changed/corrected. Commissioner Scholfield said that the economic analysis needs to be updated. Phil said that he also has a couple of comments. He provided a portion of a draft executive summary of the amendment that he is creating. It was reviewed. Phil suggested that instead of calling the actions “priorities” they be called focus areas and action items as funding availability will determine the priority. Phil is creating the executive summary to provide to interested individuals without having to provide them with the entire comprehensive plan since RFM's update is incorporated within the last comprehensive plan. Mr. Easterday said that RFM will provide the plan electronically. *It was agreed to approve the concept of the February 2019 Port of Silverdale Comprehensive Plan Update with minor changes* (motion by Aus, second by Greaves, unanimous).

Phil reported that he and Commissioner Greaves met with Steve Rice on March 6<sup>th</sup> and discussed the future implementation of the plan. Mr. Rice suggested that the Port hire a project manager or at least hire representation for the design of the new pump station. This will require a new selection process. RFM's Amendment 2 to the contract was signed and a check in the amount of \$42,863.42 is scheduled for authorization at tonight's meeting.

Pump Station 3 – Phil reported that the County is on board with moving forward with the

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project. After receiving approval from the board last month to accept the Interlocal Cooperation Agreement between the Port and the County, Phil forwarded it on to the County for approval. The County sent it to their legal team who requested it be changed to a Memorandum of Agreement along with a few other minor changes. Phil said that the details of the project are not necessary at this point as they will be outlined within a future Interlocal Agreement. The Memorandum of Agreement allows both parties to move forward with the project. *It was agreed to enter into the Memorandum of Agreement with the County for Silverdale Waterfront Improvement and Pump Station 3 Upgrade* (motion by Aus; second by Greaves, unanimous). The agreement was signed and will be forwarded to the County for approval and signature.

Strawberry Creek Restoration Planning – an e-mail was received from Paul Schlenger of Environmental Science Associates who is working with the Central Kitsap School District on a project to restore the lower reach of Strawberry Creek. They are having a site walk of Strawberry Creek on March 27<sup>th</sup> from 1:30PM to 3:00PM and hoped someone from the Port would be available to attend. Commissioner Scholfield said he would plan to attend the site walk.

### 4. UNFINISHED BUSINESS –

#### 4.1. Port Programs

a. Sailing – Steve Trunkey questioned when the boat launch handling pier will be installed as the regatta KSRF is hosting is scheduled for the end of April and it's essential to have the handling pier in prior to the event. Commissioner Scholfield said that Tim has it on his calendar, but it all depends on the weather.

Phil provided paperwork transferring boats and equipment to the Port from KSRF. *It was agreed to accept the boats and equipment listed on*

*the “Transfer of Boats and Equipment to Port of Silverdale by Kitsap Sailing and Rowing Foundation” dated March 21, 2019* (motion by Aus; second by Greaves; unanimous). The paperwork was signed.

Mr. Trunkey said that KSRF is planning an informal regatta tomorrow because the main event, which is held in Oak Harbor, had a one-boat restriction. It was thought holding the informal regatta would be encouraging to the sailors that couldn't participate in the Oak Harbor event.

b. Rowing – nothing to report.

c. Rent of equipment and Leasehold Excise tax – the 2018 tax for KSRF and CIR's use of Port equipment needs to be paid. It equates to approximately \$500. When it was last paid in 2017, it was agreed to use funds from the non-motorized boat storage account. Both KSRF and CIR did pay the fees for 2018 although a new agreement was not signed because it was thought the Port would be taking over the programs. Commissioner Scholfield agreed that money from the non-motorized account be used again for the 2018 taxes that are due. It was questioned if KSRF and Clam Island Rowing (CIR) should be paying the equipment rental fees for 2019. Phil provided paperwork to rescind the agreement that was entered into on January 17, 2019. He explained that it not only rescinds that agreement but also restores the pre-existing operation agreement. Mr. Trunkey said that they aren't renting the equipment from the Port this year. KSRF and CIR are just running the programs for the Port and so they don't plan to enter into a new lease agreement and therefore do not have to pay the leasehold excise tax for 2019.

d. Agreement - the paperwork to rescind the January 17, 2019 agreement and restore the pre-existing operating agreement was

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signed. The Port had obtained funds from sailing participants for registration fees in the amount of \$2,275.00. A check payable to KSRF in the amount of \$2,275.00 is scheduled to be authorized at tonight's.

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

### 4.2. Port Facilities

a. Dredging – Phil reported that Marine Surveys and Assessments (MSA) has incurred much more costs than originally anticipated mainly because the disposal management program changed significantly from the time the project first began. MSA was forced to contract out to a third party to perform a second analysis of the material. The company hired was Pyron and the additional costs totaled \$2700. MSA plans to pay Pyron directly and bill the Port. A check in the amount of \$3,526.00 to MSA is scheduled to be authorized at tonight's meeting. *It was agreed to pay MSA \$3,526.00 and reimburse them for the costs of the newly required third party analysis* (motion by Greaves; second by Aus; unanimous).

b. Port Rules/No Wake Buoys – Phil plans to provide Tim with the current water boundary map. The buoys will not be permanent so that if/when the Port's outer water boundaries are expanded, they can be moved.

c. Department of Natural Resources (DNR) expansion of the Port's outer water boundaries – Phil reported that he has a call into a DNR representative.

d. Gangway redesign – last month TIKAR Services estimate #2019-1052 was accepted. The status of the redesign is unknown at this

point and Tim was not yet present for further discussion.

e. Sailboat (WN6823JF) continues to be chained to the Port's facility. Commissioner Scholfield thought the next step was for the Port to take possession of the vessel. Phil said that it's an unfortunate situation because the vessel was the owner's home prior to going to jail. Commissioner Scholfield said that there was a time when the owner was released from jail and he didn't come to retrieve it at that time. Marvel Hunt said she saw the white sailboat that anchors out in Dyes Inlet tied up to the chained boat at the Port facility. Commissioner Scholfield said that there is a group of individuals that live on their sailboats in and around Kitsap waters. He has talked to one of the individuals and informed him that if a vessel is moored at the Port for more than thirty consecutive days the Port must also collect the State Leasehold Excise Tax of 12.84%. One of the concerns about this group is that it is unknown where they dump sewage. The Department of Ecology has been notified of the concern. According to Commissioner Scholfield the DNR has asked the Port to post a notice on the vessel that anchors out in Dyes Inlet, if it ties up to the Port's facility. It was agreed that the Port has no control over vessels anchored out beyond the Port's outer water boundaries. Commissioner Scholfield said that unless the Port wants to keep the chained sailboat all summer, now is the time to start processing it as a derelict. Phil explained that there is a difference between a derelict vessel and one with delinquent moorage fees. Commissioner Scholfield disagreed as it was an abandoned boat that was tied to the Port's facility. Commissioner Scholfield said that

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notice needs to be mailed to the last known address and published in the newspaper. Phil plans to review the law.

f. Website – Commissioner Scholfield has been working on the new website: <http://portofsilverdale.squarespace.com>. He asked that everyone take a look at it and provide input prior to going live with it.

### 4.3. Port Properties

a. 9020 Washington Avenue/Elizabeth's House of Wax – There was nothing to report regarding the sewage connection.

b. 3332 Lowell Street/Studs-n-Nails - Mike has repaired the deck.

c. 3215 Lowell, Suite 231 – Remains vacant. Terms of the lease and other details of the unit will be provided to Commissioner Scholfield.

Commissioner Scholfield explained that Silverdale Water reported a leak at the property. He determined that there is a leak in the service line. Silverdale Water is aware of this.

d. 3473 NW Byron Street/Vacant – Ordering a cost estimate report for the building continues to be tabled. Nothing to report regarding salvaging material from the building.

4.4. Eagle Scout Service Project – An e-mail from John West was received this afternoon. He explained that he is working on the project's paperwork that he will submit to the Boy Scouts of America for approval. Tim requested a copy of the e-mail so contact can be made with Mr. West.

4.5. Paving of alley – Mike plans to contact Lueth's Grader Service once the weather improves.

4.6. Commissioner District 1 – Commissioner Greaves explained that he would like to resign from his Port position. He has been recruiting his replacement, Mickey Hall. Mr. Hall was asked his thoughts about serving as a Port Commissioner. He said that he has talked with Phil and Commissioner Scholfield to determine the responsibilities of the position. He explained that as a favor to Commissioner Greaves he would fulfill his term. District 1 is scheduled to be on the November ballot. Phil explained that at last month's meeting Ms. Hunt had suggested notice be placed in the paper thanking Commissioner Greaves for his time served announcing the vacancy and inviting the public to apply. Ms. Hunt asked Commissioner Greaves when he plans to make it official. He replied that he and his wife, Lavonne, plan to travel a lot this summer; so, the sooner the better. Phil explained that the Port has ninety days from receipt of an official resignation letter to fill the vacancy. If not filled within that time then it becomes the County's responsibility. It was explained that the Port of Tracyton had success in filling a vacancy by submitting a letter to the editor in the Kitsap Sun. Tim suggested it be advertised with a deadline of maybe a week and all applications be reviewed and discussed at a regular meeting. Commissioner Scholfield agreed and suggested the deadline of April 11<sup>th</sup>. One requirement is that the applicant lives within District 1, which can be verified via the County website. Phil suggested Commissioner Greaves submit his resignation on April 17<sup>th</sup>. The regularly scheduled Port meeting is set for

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April 18<sup>th</sup>. Serving since 2000, Commissioner Greaves will be greatly missed.

### 5. NEW BUSINESS

5.1. Kitsap County Department of Public Works Correspondence dated February 25, 2019 was reviewed. The County has hired Zipper Geo Associates, LLC to conduct structural assessments of buildings within 500 feet of the work area prior to construction of the Bay Shore Drive, Washington Avenue and Byron Street Improvement Projects. Phil explained this is the County's attempt at protecting itself from possible future claims of damage that may have already existed prior to project construction. They had requested a point-of-contact to gain access to the buildings, but since they are rented to several different businesses, Phil suggested a point-of-contact for each business be provided to the County. Port tenant contact information will be sent to the County and e-mail notification will be provided to the tenants prior to contact by the County. The Commissioners agreed.

5.2. Silverdale Chamber of Commerce – Advertising in the walking map is up for renewal. *It was agreed to place an 1/8 page ad in the 2019 Silverdale of Commerce walking map* (motion by Aus; second by Greaves; unanimous).

5.3. Discover Kitsap Peninsula magazine is created by Sound Publishing. A Sound Publishing representative came into the Port office asking if the Port was interested in advertising in the magazine. It is distributed on the Washington State ferries. Although the Port hasn't ever advertised in the publication the picture on the Summer 2018 edition cover

page is of the Port's waterfront and a portion of the pier.

Ms. Aardal said that the distribution on the ferries isn't very targeted. She felt it was money better spent to advertise in the local walking map. The Commissioners agreed and decided against advertising in the Discover Kitsap magazine.

Phil reported that an individual came into the Port office recently asking for the map of the Clear Creek Trail (CCT). Unfortunately, there are none in the office. It was suggested a request for maps be placed to Mary Earl who is heavily involved with the CCT.

5.4. Gift Certificate – An e-mail dated February 26, 2019 from the Pacific NW Nordic Tug Owners Association was reviewed. The Association was asking for a two-night moorage gift certificate in exchange for adding Port brochures to their goodie bag, which they plan to hand out to tug owners who are participating in a rendezvous in Anacortes, WA the end of May. *It was agreed to send the NW Nordic Tug Owners Association one two-night free moorage gift certificate* (motion by Aus; second by Greaves; unanimous).

5.5. Complaint – On March 18, 2019 Lester Burke, who is a local boater, called the Port office and made a complaint. He asked why the boat launch handling pier wasn't yet installed and insisted that since the weather has been so nice it is boating season. Mr. Burk was told that boating season doesn't start officially until May and the floats are normally placed back in the water sometime in April. He also didn't think it was fair that the full moorage

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rate is charged when the water isn't available at the floating moorage facility.

5.6. Colonial Life – Katey Rudisill is an agency sales manager for Colonial Life, who recently secured office space at the neighboring building to the Port office. She dropped off information about Colonial Life's services and said she would be more than happy to talk to anyone who may be interested.

5.7. Public Disclosure Commission – Commissioners were reminded to file their Personal Financial Affairs (F1) online at <https://www.pdc.wa.gov/learn/file-online> by April 15<sup>th</sup> to avoid penalties.

5.8. Owed to the Port – Oz Thoresen paid his debt to the Port in full. He apologized for how long it took. Interest was accrued on the debt up until the day Mr. Thoresen paid - kudos to him for being diligent.

**6. SAFETY** – Nothing to report.

### **7. APPROVE EXPENDITURES & ELECTRONIC TRANSFER**

*The attached voucher approval totaling \$75,038.05, checks numbering 12029 through 12055 and Electronic Funds Transfer 2019-03 to the U.S. Treasury in the amount of \$1,959.82, were approved* (motion by Greaves, second by Aus, unanimous).

**8. EXECUTIVE SESSION** – At 8:09PM it was announced the meeting would be going into Executive Session for approximately ten minutes to discuss potential litigation.

At 8:17PM the meeting returned to Regular Session. Tim was the only person waiting outside the door and returned to the meeting.

Phil asked Tim about the possibility of adding a washdown station as new construction within the new waterfront plan, as there could be grant money available for it. Commissioner Scholfield said that stormwater isn't allowed to go into the sewer system so that would be an issue. Tim agreed. Commissioner Aus said that the Port of Kingston offers a washdown station and questioned why Silverdale couldn't. It was thought that the Port of Kingston's washdown station may have been grandfathered in from years ago. Commissioner Aus said that this should be further investigated to be sure of the regulations before ruling out the possibility. Phil agreed and said that the Port may be allowed with some restrictions. Tim added that with the emphasis on improving the Puget Sound waters there may be money available for such a project. Commissioner Scholfield reminded everyone that there is a sewer connection at the Old Town Pub. Tim suggested that if the Port were to build a washdown station the costs to operate it be significantly higher than a standard car wash; otherwise, that's what it will become. Phil said that at that point the Port may want to begin charging for boat launching and parking too and install a Ventek machine.

Commissioner Aus said that water hook ups for the planned new construction need to be determined now as the County will be paving the roads. He suggested RFM be asked to determine the water needs for the future development. Phil cautioned the Commissioners on continuing the relationship with RFM beyond the comprehensive plan update because the next phase will be a separate contract with no guarantee that RFM

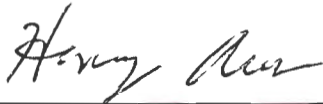
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will be the company designing it. Tim suggested Morgan Johnson the General Manager of the Silverdale Water District be contacted to further discuss this as he has the knowledge and the ability to move ahead with implementation and it won't cost the Port to consult with him. The Commissioners agreed that was a good idea and Commissioner Aus will contact Mr. Johnson.

**9. ADJOURN**

*At 8:40PM the meeting adjourned* (motion by Greaves, second by Aus, unanimous).

Approved:



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Henry Aus, Commissioner

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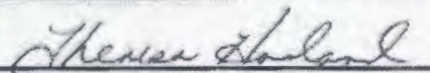

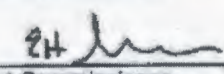
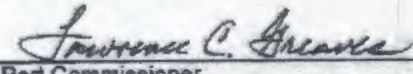
Lawrence Greaves, Commissioner



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Ed Scholfield, Commissioner

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<b>VOUCHER APPROVAL</b>		
We, the undersigned Board of Commissioners of the Port of Silverdale, Kitsap County, Washington, do hereby certify that the merchandise or services hereinafter specified have been received and that the vouchers listed below are approved for payment in the amount of		
\$75,038.05 and from the General Fund, this 21st day of March, 2019.		
 Auditor	 Port Commissioner	
	 Port Commissioner	
	 Port Commissioner	
Number.	Name	Amount
12029	ED SCHOLFIELD	1,196.44
12030	HENRY AUS	117.94
12031	LAWRENCE GREAVES	117.94
12032	THERESA R. HAALAND	3,750.00
12033	LOWE'S	22.72
12034	DREANEY'S LANDSCAPING	872.00
12035	WAVE BROADBAND	141.28
12036	CASCADE NATURAL GAS	235.54
12037	KITSAP COUNTY PUBLIC WORKS	445.88
12038	PUGET SOUND ENERGY	604.36
12039	WASTE MANAGEMENT - BREM AIR DISPOSAL	157.71
12040	WAVE BROADBAND.	71.35
12041	VISA	575.23
12042	VERIZON WIRELESS	63.39
12043	CRYSTAL SPRINGS	17.48
12044	KITSAP SUN	124.32
12045	KITSAP SAILING AND ROWING FOUNDATION	2,275.00
12046	MARINE SURVEYS & ASSESSMENTS	3,526.00
12047	RICE FERGIUS MILLER	42,863.42
12048	SIMONS FAMILY LIMITED PARTNERSHIP	3,163.64
12049	SAFE SECURITY	2,303.00
12050	TERI ORR	200.00
12051	KEN STORM	725.00
12052	MTV HOME REPAIRS	5,772.09
12053	TIKAR SERVICE, LLC	3,097.76
12054	ED SCHOLFIELD -	123.54
12055	PHIL BEST, ATTORNEY	2,475.00