

## Port of Silverdale – Minutes of Regular Meeting on May 16, 2019

### Port of Silverdale

Minutes of Regular Meeting

May 16, 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 Henry Aus; Commissioner Caleb Reese; Attorney Phil Best; Administrator Theresa Haaland; Mike Vasquez of MTV Home Repair; Bridget Burke of Clam Island Rowing (CIR); John Bouck of Kitsap Sailing and Rowing Foundation (KSRF); Kathleen Byrne-Barrantes of Grant Solutions; Laurie Aardal of Hui Hei Hei Wa'a Canoe Club; Roy Sahali of Sahali Farms; Gus Housen and Jeff Kehring of Whaling Days; Laura Carr and her son Mace along with William and Robin Frey with their daughter Danielle representing Children of the Father's House; Ric Catron; Marvel Hunt; Carla Larson; Corky and Bonnie Sunkel; and Tim Knapp of TIKAR Services arrived at 8:00PM.

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

#### 2. CONSENT AGENDA

2.1. *The April 18, 2019 Regular meeting minutes were approved as submitted* (motion by Aus; second by Reese, unanimous).

*The April 22, 2019 Kitsap All Ports meeting minutes were approved as submitted* (motion by Aus; second by Scholfield, passed – Commissioner Reese abstained as he was not in attendance at the April 22<sup>nd</sup> meeting).

#### 3. PUBLIC COMMENT –

3.1. Fun Run – Laura Carr introduced herself as the Director of Children of the Father's House a 501c3 nonprofit organization. She said that the organization along with William and Robin Frey are planning a pajama 5K fun run on the morning of June 8<sup>th</sup>. The proceeds will go towards purchasing new mattresses for

families in Uganda. The run will begin promptly at 9:00AM and primarily be along the Clear Creek Trail with the start and finish of the run beginning at or near the Port's grassy area. They are hoping to use that area for a registration table and a refreshment table at the end of the run. They aren't expecting a huge crowd as there are only eight participants currently registered. Mr. Frey explained that he initially contacted the County, but was told to contact the Port as the Waterfront Park is going to be used for graduation celebrations on the 8<sup>th</sup>. Gus Housen said that Central Kitsap's graduation is on the 8<sup>th</sup> and earlier than normal at 1:00PM. Mr. and Mrs. Frey said that they will only need a small portion of the Port's grassy area for a couple of hours in the morning and don't anticipate it interfering with graduation celebrations. Commissioner Scholfield suggested they inform Mary Earle of the Clear Creek Trail since the majority of the event will take place on the trail. He also suggested they contact Kaiser Permanente as the trail runs directly behind the medical facility. Kaiser might be interested in offering water to participants. Commissioners agreed that they could use a portion of the grassy area to set up registration and refreshment tables. Mr. Frey completed a Use of Port property application, which was signed by Commissioner Scholfield. He plans to provide the proof of insurance via e-mail.

3.2. Old Town Pub – Ric Catron works as a parks Project Coordinator for Kitsap County, but was attending tonight's meeting as an interested Silverdale Port taxpayer. He explained that he has lived in Silverdale for the past seven years and Old Town is his favorite part of Kitsap County. He said that a lot of the public thinks that the Waterfront Park along with the pier and the adjacent property is all County property. They don't realize that the Port actually owns the pier, parking lots and grassy area. Last year the County and the Port provided an online survey asking their

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input for future of Old Town. There were many requests for more eateries and services. Mr. Catron was at the meeting to discuss the “elephant in the room”; the Old Town Pub. He provided a little history of the building. He would like to see the building restored to its former glory, although regardless of what he would like something needs to happen to the site by either restoring it or demolishing it. Mr. Catron explained that he wanted the Commissioners to be aware of a possible opportunity that they may have not yet thought of for restoring the building. There is a Portland-based family-run business called McMenamins, that specializes in restoring old buildings. They take eyesores and turn them into destinations. Several examples were discussed: the Elks temple in Tacoma, the 1906 White Eagle Saloon in Portland, Anderson School in Bothel, the Kalama Harbor Lodge which they partnered with the Port of Kalama, etc. Mr. Catron said that he doesn't work for McMenamins he is just a really big fan of the work they do. He has contacted them to see if there might be an interest in the Old Town Pub, but hasn't received a returned call yet. He asked that if McMenamins isn't interested the Commissioners consider discussing the possible restoration of the building with another developer. He thanked the Commissioners for their time and consideration.

3.3. Whaling Days – Gus Housen said that they have a fun year planned for the 2019 festival, but are concerned as he has heard that the Port will require Whaling Days to insure the pier this year, but Whaling Days is not prepared to take on the additional costs. Commissioner Scholfield explained that the two times the Port has been sued were both from Whaling Days participants that were injured while on the pier/dock/floating moorage facility. He said that Whaling Days either takes

and insures all of the Port properties or none. Another idea is to keep non-boaters off of the moorage floats by allotting so many wristbands to the paid boaters and having them sign a waiver releasing the Port and Whaling Days from any liability related to injury to them or their guests. It was explained that the Port has requested two Safe Security guards be posted on the pier/dock/floating moorage facility during the festival. Renting the pier/dock/floating moorage facility to Whaling Days from the Friday morning through the Sunday morning of the festival was discussed. The approximate cost would be \$1500. Whaling Days in turn would be entitled to all of the moorage fees for those two nights. Mr. Housen asked if they could increase the moorage fees for those two nights to cover the additional costs and could they close the pier. It was thought that if they are paying the Port to use the facility then they could charge what they wanted and have temporary control over it. Commissioner Scholfield said that the Port needs to be listed as an additional insured on Whaling Days insurance as well as the carnival rides insurance. The certificate of liability insurance should state: “Port of Silverdale including Board of Commissioners, employees and agents” as additionally insured. Mr. Housen said that his insurance agent advised him not to cover the docks as it is too much of a liability. Commissioner Scholfield said it's all or nothing because it is not right for the Port to take on the added liability of the festival goes possibly injuring themselves on Port property.

3.4. Port Waterfront Plan Update – Kathleen Byrne-Barrantes e-mailed the Port a Proposal for Plan Update/Development and Grants Assistance and an Agreement for Professional

Services. The documents were reviewed. It was determined that Exhibit A was missing from the agenda packet, but was later provided. Several questions were answered. Compensation was discussed. The agreement authorizes Ms. Byrne-Barrantes to develop a matrix that outlines grant opportunities specifically for the Port and obtaining RCO approval of the Port's Comp Plan, which will total approximately \$8,000. Ms. Byrne-Barrantes explained that compensation for grant procurement is a separate charge and is billed at a flat rate in accordance with the individual project's total budget amount even if the grant is not awarded. Commissioner Reese questioned if the agreement were to be signed would the Commissioners be aware of the added costs prior to incurring them. It was explained that prior to applying for any grant the Port will need to adopt a resolution, so the Commissioners would be aware at that time if not before. *It was agreed to move forward with the general concept of the Grant Solutions Agreement for Professional Services* (motion by Aus; second by Reese; unanimous). Phil plans to have the agreement ready for signature at the next Port meeting. It was agreed to skip to agenda number 5.4. New Business: Special Meeting.

A Special Meeting has been requested, which would include a "walk about" to inform newly appointed Commissioner Reese of Port owned facilities and properties in the Old Town area. It was agreed to hold a Special Meeting on Tuesday, May 21, 2019 at 5:00PM starting at the Port office. Besides the walk about Phil will have the updated Agreement for Professional Services ready for signature.

A letter dated May 6, 2019 from Anita White with Boy Scout Troop 1540 was reviewed. The troop is hoping to provide cleanup services once again during and after the Whaling Days festival. *It was agreed to have Boy Scout Troop 1540 provide cleanup services on Port property during and after Whaling Days 2019* (motion by Reese, second by Aus, unanimous).

#### 4. UNFINISHED BUSINESS –

##### 4.1. Port Programs

a. Sailing – John Bouck reported that the competitive sailing season just ended. KSRF has a very active summer season planned as they expand from three weeks of sailing classes to seven weeks. They are now using Blue Sombrero for registration. He explained that they have been able to expand the summer classes due to a very generous donation from one of the KSRF coaches. She made the donation in honor of her father and it has allowed them to hire a sophisticated summer coach. Mr. Bouck asked if KSRF could put a plaque somewhere on the dock in honor of that coach's dad. Having a plaque added to a bench was discussed. Mr. Bouck informed Commissioners that a Vanguard sailboat was donated to KSRF and they plan to transfer the ownership to the Port. The transfer of ownership paperwork will be e-mailed to Mr. Bouck. Phil explained that KSRF hosted an instructor training class at the Port office the first week in April. Mr. Bouck added that there were enough individuals wanting to receive instructor qualifications that the class was able to be offered on this side of the water, which is the first time. The majority of attendees were from Kitsap County, but there were also individuals from Gig Harbor and Port Townsend. It proved to be a good centralized location. Mr. Bouck said that it's a great training program that allows teen members to transition into becoming qualified trained instructors. Bridget Burke added that there is an incredible community base for the sailing

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program. She said it's really encouraging as one of the kids that started in the program when he/she was in 6<sup>th</sup> grade is now serving on the Board. Commissioner Scholfield requested signage advertising the program so that he can place it at Ross Field. He said that several of the parents involved in Pee Wee baseball are looking to the next season to keep their kids busy and sailing has been a hot topic. Mr. Bouck will provide Commissioner Scholfield with signs.

b. Rowing – Ms. Burke reported that they currently have eighteen junior rowers, which is the biggest group yet. She explained that CIR owns another Boston Whaler (WN8254NL), which is being used as a safety boat for the program. The ownership of the boat has not yet been transferred to the Port because at the beginning of the year there was uncertainty of who would be running the program and she wanted to wait until that was decided upon, but since it is now on hold she intends to complete the paperwork. The boat has been moored at the Port for many nights with no moorage being paid and so a letter to the registered owner was sent asking him to pay his moorage fees. Ms. Burke requested the Port waive the moorage fees since the boat is exclusively used for the Port's rowing program. *It was agreed to waive the moorage fees for boat number WN8254NL up until the transfer of ownership to the Port is complete* (motion by Aus; second by Reese; unanimous).

Ms. Burke said that the landlord, Kerri Simons-Morket, has informed her that the fence on the south end of rowing alley is on County property and will need to be moved back about four feet. When they move the fence back CIR plans to install a rolling fence to make access easier. Commissioner Scholfield said that he was informed by Ms. Simons-Morket that they plan to paint the building in the near future, so everything in rowing alley will need to be moved at least four feet away from the

building. Ms. Burke asked if CIR could temporarily store equipment in the lot across from the Port office as the painting of the building is really going to impact them. Commissioner Schofield said that the Port is going to have to use that area. Tim said that the tubs that are over there are no longer useful and he plans to move them. It was suggested that all of the motor boats that are parked in the lot across the street from the Port office be parked in the vehicle/trailer lot, which would then free up space for the rowing shells and equipment. Ms. Burke said she was hoping that the Port would clean up and rearrange the unfenced lot across the street from the Port office as she is always on the lookout for more space because the program continues to grow. Commissioner Scholfield said that KSRF started storing the El Toro wooden boats in that unfenced lot without prior permission from the Port. Mr. Bouck said that those boats are primarily used at the end of June for the summer programs. Ms. Burke voiced her concern about the upcoming County project that she believes will impact access to rowing alley as the sidewalks will be torn up for an undetermined amount of time. She asked if it would be possible to fence one or two of the vehicle/trailer stalls in the boat ramp parking lot to temporarily store shells until the project construction is complete. Commissioner Schofield suggested Ms. Burke contact the County project lead, Gunnar Fridriksson, and tell him the problem CIR is facing due to the construction and see if the County will provide the fencing. CIR's treasurer, Mark Underwood, came into the Port office recently and asked if CIR can start using the Port's P. O. Box as their mailing address. Phil said that they shouldn't use the Port's P. O. Box, but instead use the Port's physical address.

c. Non-motorized boat storage – no status of the space numbers. A complaint was received that there are mosquitos and larvae thriving in one of the black tubs in that area.



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Tim reported that he recently dumped out all of the water in the tubs and turned them over so that they will no longer collect water.

### 4.2. Port Facilities

a. Dredging – Phil reported that the sediment characterization report has been sent to the Army Corps of Engineers.

b. Port Rules/No Wake Buoys – Phil provided a map of the moorage facility that showed the Department of Natural Resources (DNR) boundary. The boundary is approximately 500 feet from the furthest part of the dock. Commissioner Reese suggested the buoys be placed out as far as possible so that it gives boaters a chance to slow down. It was agreed to set them out approximately 400 feet from the furthest point of the docks. Tim explained that they can be moved if necessary.

c. Department of Natural Resources (DNR) Phil explained that he requested a copy of the outer water boundary survey that AES Surveyors conducted several years ago. In comparing the survey to the DNR map Phil noticed discrepancies between the legal description and map. He plans to contact AES to further discuss. Commissioner Scholfield said that he noticed the area west of the boat ramp has not yet been turned over to the Port. Phil plans to work on that as well.

d. Sailboat (WN6823JF) – the owner of the sailboat, Charles Lewis, Jr., was trespassed from Port property last year. Mr. Lewis has recently been released from jail and was concerned about his sailboat. He asked Kitsap County Sheriff deputy about it and the deputy in turn contacted Commissioner Scholfield asking the status of the sailboat. An e-mail was sent out to all of the Commissioners

asking if they had an objection with allowing Mr. Lewis 30 minutes to be on Port property to remove his boat at which time the moorage fees would be waived contingent that Mr. Lewis not return. There were no objections. Commissioner Scholfield informed the sheriff deputy as well as Jason with Safe Security. Apparently, Mr. Lewis has not yet been contacted as the boat remains tied to the dock. Commissioner Scholfield asked that the boat begin being processed as a derelict. DNR asked the Port to process it. They will be notified when the notice is posted on the boat. Phil plans to work on it.

e. Website – Commissioner Scholfield has been working on a website (<https://portofsilverdale.squarespace.com/>). The Commissioners have been asked to review it and provide feedback. Commissioner Aus said that he could not get the link to open. Commissioner Scholfield said that he is still having issues transferring files to the new site. He will continue to work on it. Port e-mails were discussed. Commissioner Reese said that he will create a separate e-mail for Port correspondence.

f. Benches – Tim plans to order twelve bench brackets from Lee Fabricators, which will frame six benches.

4.3. Whaling Days – discussed under Public Comment.

### 4.4. Port Properties

a. 9020 Washington Avenue/Elizabeth's House of Wax – A new sewer outlet will be placed by the County when the Bayshore Drive/Washington Avenue project is complete.

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b. 9004 Washington Avenue/Dispute Resolution Center (DRC) – Mike reported that he asked DRC personnel about the status of the design of the remodel. Apparently, it has been dropped as one of the board members questioned why they were considering spending thousands of dollars but receiving no extra space. They may just rearrange desks, etc. Mike reported that he repaired the two upstairs outlets. They were using portable heaters because files were blocking the wall mounted heaters. Mike told them they are not to use portable heaters and suggested they rearrange the files to allow for the wall heaters to run safely.

c. 3330 Lowell/Sugar Studios – an e-mail dated May 16, 2019 from the tenant was reviewed. Daleen Grimes, the owner of Sugar Studios, asked if the Port would consider helping her purchase and install a ductless cooling/heating system for the building. She complained that it gets unbearably hot in the building during the summer months. Commissioner Scholfield said that there is a window mounted air conditioner at the building, but someone tried to steal it last year. A few years ago, the Port paid for ½ of the costs of a new air conditioning system at 3295 Lowell. Mike was tasked with obtaining at least two estimates, which will be reviewed and discussed at an upcoming Port meeting. Mike said he will try to obtain the estimates by the Special Meeting on Tuesday. If a reasonable estimate is received the Commissioners will consider paying for ½ of the costs. Marvel Hunt suggested looking into the rebates offered by Puget Sound Energy. There was question if it would qualify since it is a commercial space.

Mike explained that the company that installs it will know if it qualifies for any rebates.

d. 3215 Lowell, Suite 231 has been rented to Bob Guardino who is a real estate agent. The lease begins on June 1, 2019.

e. 3473 NW Byron Street/Vacant – Commissioner Scholfield explained that the County sent a notice that there was an expired permit associated with the building. An e-mail was sent to the County asking for a refund of the permit as it was not used because shortly after it was received the County tagged the building as dangerous. Commissioner Reese reported that he has contacted two salvage companies in Seattle. He was told that the value usually isn't that much so the Port would have to pay for the teardown. Commissioner Reese said that with all the money that has already been spent on the building he would like to have the Port invest a bit more to determine the costs to bring it up to code. On a couple of occasions Rice Fergus Miller (RFM) said a cost estimate would run anywhere between \$3,000 and \$5,000. The cost estimate will more than likely be the determining factor to either remodel the building or demo it. At least if it is demoed the public can be made aware of why that was decided. Commissioner Reese plans to also contact McMenamins to see if there is any interest from them to restore the building to its former glory or better. Commissioner Scholfield said that an asbestos survey needs to be conducted no matter what happens to the building. Mike was tasked with contacting a company to provide an asbestos and lead paint survey on the building. Reid Middleton conducted the structural survey of the building via RFM. *It was agreed to move forward with an*



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### *engineering cost estimate to make the 3473 Byron Street building structurally sound and habitable*

(motion by Reese; second by Aus; unanimous). Phil will contact Reid Middleton and ask how much they would charge for an engineering estimate based on the structural report they provided.

4.5. Eagle Scout Service Project – Nothing to report.

4.6. Paving of alley – Mike plans to contact Luethe's Grader Service.

4.7. Port Waterfront Plan Update – the updated Memorandum of Understanding between Kitsap County and Port of Silverdale for Silverdale Waterfront Improvement and Pump Station 3 Upgrade was signed.

### **5. NEW BUSINESS**

5.1. Complaint an e-mail from James Knapp dated May 5, 2019 was reviewed. Mr. Knapp had many complaints regarding deterioration of Port property. Tim reported that he talked to Mr. Knapp directly and determined that he is concerned primarily with three items. The first item is the two piling caps that are missing and have been for a long time. Tim agreed that this item should have been taken care of a long time ago and he plans to have it remedied within the month. They don't sell the piling caps any more so he will make a mold, which will be beneficial for future use too. Mr. Knapp's second issue was the property across from the Port office being in disarray with the black tubs and other items. Mr. Knapp's point is that this is the corridor into Old Town and it looks bad. Tim explained that the lot does need to be cleaned up but several items over in that lot are needed. Tim plans to rearrange

the Port's shop in the back of the building, which is sure to free up space so that surplus items can be stored out of sight. The third item Mr. Knapp takes issue with is the structure on the pier. Tim said that he cannot remedy this for the Port.

5.2. Budget Summary as of April 30, 2019 was reviewed.

5.3. Filing Week started on May 13<sup>th</sup>.

Commissioner Reese explained that he did in fact file.

5.4. Special meeting to discuss Port business and properties with newly appointed Commissioner Reese will take place on Tuesday, May 21, 2019 at 5:00PM and will include a "walk about" in the Old Town area.

Commissioner Scholfield reported that the tenant at 3332 Lowell has changed the business name from Studs-n-Nails to Monarch Studios. County personnel along with the contractor hired to conduct a pre-construction inspection of the building needs access to the building, but have been unable to contact the owner of the business. Commissioner Scholfield agreed to open the building for them.

The County's pre-construction inspection of the 3425 Byron Street/Kitsap Art property revealed a small crack in the foundation. The contractor conducting the inspections refused to go into the Old Town Pub.

Commissioner Aus mentioned the recent findings by the State Auditor on a King County Drainage District. Apparently, fraud was taking place and it was determined that an election for one of the positions hadn't been held in over thirty years.

Ms. Hunt said that if anyone has any old pictures of the area or anything of historical significance, she would be interested in viewing those items.

**7. SAFETY** – Nothing to report.

**8. APPROVE EXPENDITURES & ELECTRONIC TRANSFER**

*The attached voucher approval totaling \$35,185.43, checks numbering 12082 through 12104 and Electronic Funds Transfer 2019-05 to the U.S. Treasury in the amount of \$2,036.96, were approved (motion by Aus, second by Reese, unanimous).*

**9. EXECUTIVE SESSION** – None.

Phil reported that the Port was served with a Notice of Appearance in regards to the Bayer case.

Phil explained that he has been working on the comp plan. Commissioner Scholfield said that the economic analysis needs to be updated. Phil plans to e-mail Commissioners the Old Town Pub structural report that was prepared by Reid Middleton.


Port Commissioner e-mail addresses were further discussed.

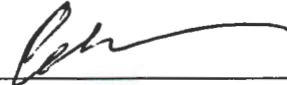
**10. ADJOURN**

*At 10:28PM the meeting adjourned (motion by Reese, second by Aus, unanimous).*

Approved:

  
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Commissioner

  
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Commissioner

  
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Commissioner



