

Port of Silverdale

Minutes of Regular Meeting
July 16, 2020

Due to the COVID-19 Virus and Governor Inslee's Proclamation 20-05 the meeting was being held virtually through the ZOOM application. The link to the meeting was posted on the Port's website – portofsilverdale.com.

1. CALL TO ORDER

Commission Chairman Henry Aus called the meeting to order at 7:00 PM. Also in attendance were Commissioner Caleb Reese; Commissioner Ed Scholfield; Attorney Phil Best; Administrator, Theresa Haaland; Lee Knapp of TIKAR Services; John Bouck, Julie Jablonski and Greg Jacobs of Kitsap Sailing and Rowing Foundation (KSRF); Kathleen Byrne-Barrantes of Grant Solutions; John Kuntz of Olympic Outdoor Center (OOC); Cheryl Bouck; Jim Knapp; Randy and Marvel Hunt; Bob Hunter; Carla Larson; and Bridget Burke of Clam Island Rowing (CIR) joined the meeting at 7:28PM.

2. CONSENT AGENDA

Commissioner Reese moved to approve the Consent Agenda: July Meeting Agenda as amended; June 18, 2020 Regular Meeting minutes as submitted; the July 16, 2020 checks numbering 12467 through 12492 totaling \$35,144.58 as outlined in the attached Voucher Approval; and the authorization for electronic transfer of payroll taxes in the amount of \$2,055.78; second by Commissioner Scholfield; approved unanimously.

3. SIGNING OF DOCUMENTS

Commissioner Reese is unable to sign documents tomorrow, but Commissioners Aus and Scholfield plan to stop by the Port office individually to sign.

4. UNFINISHED BUSINESS

4.1. Marine Architectural Design – Phil forwarded Art Andersons proposal to the Commissioners via e-mail prior to the meeting. *Commissioner Reese made a motion to accept the proposal as submitted; Commissioner Scholfield seconded the motion.* Discussion: Phil explained that the proposal is for the predesign concept due by July 31, 2020, which will provide the Port with drawings and a statement outlining the project to be used in support of the Recreation Conservation Office (RCO) grants that Kathleen Byrne-Barrantes of Grant Solutions has submitted on the Port's behalf. There is a \$5,000 cap for this predesign concept. *Motion carried unanimously.*

4.2. Waterfront Center Predesign Project – the next workshops have been temporarily scheduled for July 28h and August 18th at the Oxford Suites Hotel, but since the State is now on a pause, Kitsap County remains in Phase II of the Safe Reopening at least until the end of July. Commissioner Schofield suggested that the workshops be cancelled until Kitsap County is securely in Phase III. At that time Rice Fergus Miller will be asked to contact Central Kitsap Fire and Rescue (CKFR) as they should be open for reserving the conference room by then. Phil said that he has been contacted by Dave Tucker the Assistant Director of Kitsap County Public Works. Mr. Tucker wanted to know what the Port's plan was moving forward since the workshops have had to be cancelled. Mr. Tucker explained that the need to replace the pump station has not been impacted by the virus so the timeline remains the same as it was last fall. He said that they need to get a decision soon as to whether the pump station will be moved into a multi-use building owned by the Port or not. Phil said that Rice Fergus Miller (RFM) will be asked to make contact with the County, so that the County is aware that the Port is on board with a multi-use building. He suggested a Special Meeting be held either in person following the social distancing

guidelines or a ZOOM meeting. Commissioner Aus said that if just one Commissioner attended it wouldn't be a Special Meeting. Phil suggested that the needs of the County be determined and see if the building could be placed from east to west freeing up the view, which was a public request that was made during one of the first two workshops. From there RFM could produce something that will continue to move the project forward to the next step. It was agreed the next two workshops should be postponed at this time.

4.3. Grant Funding – the RCO presentation review of the Aquatic Lands Enhancement Account (ALEA) and Washington Wildlife and Recreation Program (WWRP) grants were held on June 29th. It has been determined that dredging will not be covered under ALEA as dredging, in most cases, is considered maintenance. Ms. Byrne-Barrantes said that she received a call from Marguerite Austin of the RCO explaining that the dredging would need to fall within the guidelines of the RCW, which would allow for it to be funded only if the necessary dredging was caused by unforeseen events. It was agreed that the need for the dredge is due to the normal flow of material under the water so it would not qualify. Phil said that even if the dredging isn't funded the Port is still moving forward with it. Ms. Byrne-Barrantes asked about mitigation for the projects. Commissioner Scholfield said that the plan is to remove concrete at the end of Pacific Avenue, create soft beach protection and remove the angular rock that is visible at extreme low tide in front of the County's Silverdale Waterfront Park. Ms. Byrne-Barrantes said that she was told that both of the presentations were good, even though at the time the graphics were not available. Greg Jacobs did provide some photos, which was great. One item that RCO personnel were concerned about is that they thought the Port's lease with the Department of Natural Resources (DNR) is not long enough. They would like to see that extended to at least another thirty years. There was also a concern

regarding individuals with disabilities not being able to bring a boat down to the non-motorized float. Ms. Byrne-Barrantes said that the graphics, costs and drawings are all the items that need to be finalized by August 10th. Phil suggested Ms. Byrne-Barrantes contact Brad Ginn of Art Anderson and Associates (AAA). Ms. Byrne-Barrantes said that the RCO did not like the extension of the finger pier on the motorized side. She said it might need to be part of the Boating Facility Program (BFP) grant in November. Phil agreed that it might be a better fit. There was also concern that the non-motorized float was to replace the sailboat float. Since that was an RCO funded project that should still have many years of usefulness there was concern. So, drawings need to show both the new non-motorized float and the existing sailboat float. Ms. Byrne-Barrantes was told by Ms. Austin that the RCO made a mistake when funding the sailboat float because it attaches to the motorized boat float, that was partially funded by an RCO grant from non-refunded boater's gas tax years ago. The RCO stood by it and came to an agreement with the Port, but Ms. Austin said that the RCO will not make that mistake again. Boat storage on the new float was discussed. Commissioner Scholfield said that the idea wasn't necessarily storage but rather just a temporary holding area for when non-motorized boaters want to take a temporary break from rowing. He added that the new gangway to the new non-motorized float would not be attached to the motorized boating facility, so that shouldn't be an issue. Ms. Byrne-Barrantes reported that the RCO is going to vote on reducing the match for the BFP grants from 25% to 12.5% on July 21st. Commissioner Scholfield, Phil, Ms. Byrne-Barrantes will plan to meet with Mr. Ginn of AAA and walk the site. Phil said that he also received a call from the Port's RCO grant manager, Kim Sellars, regarding the sailboat float still having significant useful life and that creates a problem as it's viewed that the new non-motorized float is to replace the sailboat float. Greg Jacobs said that chase boats are

tyed up to the sailboat float four to five days a week during the season, so it's not just limited to non-motorized sailboats. Phil plans to e-mail Ms. Sellars and will run it past the Commissioners and Ms. Byrne-Barrantes prior to sending. Commissioner Scholfield said that the RCO should be informed that the County is going to need to use a portion of the Port's vehicle/boat trailer lots as a staging area this fall/winter. Since dredging has been dropped from the ALEA grant and it was a significant amount of the grant request, it was questioned if that affects that amount that has been paid to Grant Solutions. Ms. Byrne-Barrantes said that if no more costs area added it would affect it, in which case she will reduce her fee or apply the credit to the BFP grant costs. She explained that the budget that she used for the Aquatics Lands Enhancement Account (ALEA) was incomplete so it is hard to say at this time if or how much of an affect it will have on the fee she was paid.

4.4. Port Programs

a. Sailing – John Bouck reported that the program is on hold until the County is in Phase III of the Safe Start Reopening. The Board considered opening during Phase II, but no one was comfortable with making all of the required modifications to keep the young adults safe. They are looking forward to the County being in Phase III.

b. Rowing – Bridget Burke reported that she recently trapped several cats that were living in the Old Town Pub and took them to the Kitsap Humane Society. The adult female will be fixed and returned to the pub as she is too feral to rehome. Ms. Burke said that other people in the community talked to her about the cats. She thinks they did the right thing. CIR is running their camp rowing team that was scheduled for the spring. There are still two weeks left of the camp. A group of Masters row in the mornings. Everyone is just using the single shells in an effort to follow the social distancing guidelines. Ms. Burke had emailed the Port since the last meeting and

asked for confirmation that they had the okay to move forward with adding an asphalt ramp to the curb. It was explained to her that it was never okayed. Ms. Burke asked that instead of adding a ramp could they make a curb cut – just take out a small chunk of the curb as it is really hard for them to individually get the shells over the curb. Mr. Jacobs said that it could also benefit people with off road wheelchairs. Commissioner Scholfield said that the curb keeps atv's, motorcycles and the like from accessing the beach. Just recently a jeep tried to gain access to it and there was another entity years ago that was sued because of something similar. Ms. Burke questioned the outcome of the suit. It was thought it was settled out of court. Mr. Jacobs suggested a removable curb section using wheel bolts. Phil suggested a removeable wedge made of wood. Ms. Burke said it sounds reasonable, but when at the same time trying to maneuver a 26' shell, while already holding the oars, etc. makes it difficult. Commissioner Scholfield said that he sees individuals take the oars down separately from the watercraft. Unfortunately, removable items have at times been thrown into the wetlands and if it's too much trouble to have a removable wedge it would be too much trouble for a removable section of the curb that needs to be unbolted. Ms. Burke said that in Hawaii they offer carpets to help people in wheelchairs get on the beach. Phil said that if the carts are a standard size maybe two cuts could be made in the curb to allow for just the wheels to get through. Ms. Burke said that unfortunately the carts are all different sizes with some being homemade. Commissioner Scholfield suggested they just use the boat ramp to launch. Ms. Burke said that they must be parallel to the shore to launch, so that wouldn't work. Commissioner Scholfield suggested they launch on the east side of the boat launch by crossing the bridge over the bioswale. Ms. Burke said that on that side there are several large rocks in the water, which causes problems. Ms. Burke said that the curb just creates a hassle and she was just hoping to

make it easier for the rowers, but it won't stop them. Commissioner Reese suggested they invest in larger wheels for the carts, something that would be easier to jump the curb. Commissioner Scholfield reminded Ms. Burke that there is still a shell and some other items in the lot adjacent to the Port office building. Ms. Burke is planning one last cleanup. They received the rack and the arms were too short, so they had a project of extending the arms. She said that they should be able to get that shell out by next week.

4.5. Port Facilities

a. Closure – the County continues to be in Phase II of the State's Safe Start Reopening Plan. There is a pause until July 28th.

b. Olympic Outdoor Center – has paid the 75% rent reduction for June and July. An e-mail dated July 8, 2020 from John Kuntz was received. Within the e-mail Mr. Kuntz explained that OOC is not opening their Silverdale location for July and most likely not for the rest of this season as rental sales are down 58% at other locations.

Commissioner Scholfield motioned to continue the seventy-five percent rent reduction for August to tenants that qualify, second by Reese

Mr. Kuntz also sent another e-mail dated July 8, 2020 explaining that he would like to renew OOC's contract with the Port for five more years. Mr. Kuntz said that he appreciates what the Port is doing to help small businesses during this difficult time. With the social distancing guidelines OOC has been hit hard. His customers are required to make an advanced reservation. Needless to say, this has negatively impacted rental sales, he estimated them to be down closer to 70% from last year.

Commissioner Aus asked for a vote on the motion that was on the table. *It was agreed to continue the seventy-five percent rent reduction*

for August to tenants that qualify (motion by Scholfield; second by Reese; unanimous).

Commissioner Aus said that the contract renewal for OOC looks good, but there needs to be discussion about the concession stand on the pier because if that needs to go away now is the time. Commissioner Reese said that he has concerns with the proposal that Mr. Kuntz provided. For one, a five-year contract is a long time. Another issue is that it was believed that the OOC's concession stand structure was going to be just temporary, being removed during the off-season. Mr. Kuntz did not agree with that and suggested the Port go through previous emails around the time this was being discussed. He would like that to be clarified so that there are no hard feelings moving forward. Commissioner Reese said that everyone attending the meetings was under the impression that it was going to be a temporary building because that was what was discussed within the monthly public Port meetings. The building could be made so that it is a temporary structure. There have been numerous complaints about the building being an eyesore and taking away from the view. Commissioner Reese said that the other item within Mr. Kuntz's e-mail request to renew the contract is to delete the paragraph about providing their own float but rather they prefer to rent dock space from the Port and not provide their own, but OOC has not been paying any extra rental fee. Commissioner Scholfield said that kayak storage cannot be on the floating moorage facility because they are non-motorized watercraft and that conflicts with RCO's grant stipulations. Commissioner Reese said that the lease amount was based on OOC providing their own float, but instead they received permission to construct a temporary shelter/concession stand on the pier, but it did not change the costs of the lease. Commissioner Reese feels that this needs to be negotiated. It was agreed this all needs to be further discussed in a separate meeting with Mr. Kuntz.

c. Dredge – will be discussed in Executive Session.

d. Utilities – the electricity upgrade is part of the RCO grant application. The water should be back on to the finger piers next week.

e. TIKAR Project schedule for July and August was reviewed. The window for any and all in-water maintenance work is the month of August, so it is going to be a busy month.

f. Reservations – Matthew Sroka requested a refund of the \$75 reservation fee he paid for a July 18th reservation as he had to cancel. *It was agreed to refund Matthew Sroka the \$75 reservation fee* (motion by Reese; second by Scholfield; unanimous).

4.6. Port Properties

a. Reduction in Rent – already discussed under Item 4.5.b.

b. 3295 Lowell/Abeel Studios – Lee reported that the door was ordered and then later they were instructed to order a more secure door, which is estimated to be here in three weeks. TIKAR plans to get the prep work done in advance as outlined in the project schedule.

c. 3215 Lowell/Suite 191/Deborah Lyons the final payment from Ms. Lyons' estate in the amount of \$935 was received – paid in full.

d. 3215 Lowell/Suite 261/Christine Wylde reported that there were ants in her suite. TIKAR set out traps. There have been no further complaints.

e. 3421 Byron Street/Bilingue reported that the toilet was not working properly. TIKAR has since fixed it.

f. Paving of Alley – Lee reported that he has been informed by the County right-of-way point-of-contact that the permit needs to be

redone from scratch. Lee plans to put together the new permit package and show that it is less than 5,000 square feet. The County agreed to expedite the permit, so that the work can be completed this season.

4.7. Small Claims – notice from Kitsap County was received informing that the court date has been rescheduled for September 2, 2020 at 8:30AM. The Port received a Notice of Claim from Mr. Gotschall today in the mail. Case Number 20SC00089 is also scheduled for September 2, 2020 at 8:30AM. This will further be discussed in Executive Session.

4.8. U. S. Navy – Phil reported that the Navy is amenable to changing the wording within the Right of Entry Agreement. Phil will continue to exchange communications and have something ready for review at next month's meeting.

5. TABLED ITEMS

5.1. Port Facilities

a. Department of Natural Resources (DNR)

b. Benches

2. Benefits

6. NEW BUSINESS

6.1. Shower Code - An e-mail dated July 9, 2020 from Fawn Hatch was received. Ms. Hatch suggested that a sign be placed near the showers with the Port's phone number so that boaters can call the Port office to retrieve the shower code. Ms. Hatch explained that last year when she visited the Port the showers were locked and no one knew the code. Commissioner Scholfield explained that the showers are now on a timer and are open from early morning until evening Fridays through Sundays. He explained that other Ports provide boaters with codes once they pay for moorage, but we don't run that same type of operation. At one point it was suggested to put the code on the moorage fee envelopes, but they are regularly scattered around the parking lots. Commissioner Reese suggested that the Port Host be informed of the code, so that he/she

can assist boaters. Commissioner Scholfield agreed and will confirm that the Port Host has the code.

6.2. Waggoner Cruising Guide – advertising in the 2021 edition of the Waggoner Cruising Guide was discussed. *It was agreed to place a 1/3-page vertical advertisement in the 2021 Waggoner Cruising Guide, costing \$1,200* (motion by Scholfield; second by Reese; unanimous).

6.3. All Ports meeting – it was suggested that the Port of Brownsville be asked if they would be in favor to postpone the July meeting until the end of August.

6.4. Non-motorized boat storage area – an individual who stores their watercraft in the storage area requested the area be maintained as the weeds and grass are growing in there. Commissioner Scholfield said he would take care of it. Ms. Burke said that she was approached by Janice McFarland, who currently has two kayaks stored on one of the kayak racks, about storing the kayaks differently on personally-owned dollies. Ms. Burke quoted Ms. McFarland that it would cost an additional \$50. She directed Ms. McFarland to contact the Port office.

7. SAFETY/SECURITY

7.1. Safe Security – Jason the Safe Security supervisor asked that the Port rules sign be posted in the vehicle/trailer lot as there are many instances when the public are under the impression that since the area is public it is open 24/7. Jason also requested that the wording of being closed from dusk to dawn be changed to being closed from sunset to sunrise. At times the public has argued with security guards about the definition of dusk; whereas, sunset is a set time that can be determined online. Commissioner Scholfield said that it has been getting kind of rowdy lately, including loud offensive music. *It was agreed to change the wording in the Rules for Use of Port Property Paragraphs B.2.c. and C.1. from CLOSED DUSK TO DAWN EXCEPT FOR*

BOATERS to CLOSED SUNSET TO SUNRISE EXCEPT FOR BOATERS (motion by Scholfield; second by Reese; unanimous).

8. PUBLIC INPUT VIA EMAIL

Carla Larson said she didn't have anything other than hoped that everyone was staying healthy.

Julie Jablonski said that she just wanted the general success of the high school sailing program noted. When Phase II of the State's Safe Restart was entered and college-aged kids were back in town, many that had previously been in the Sailing Program, were seen out in their personally-owned sailboats maneuvering the waters on their own. It just shows how good the Sailing Program is and how much it means to the kids.

Phil explained that he forwarded the interrogatories for the dredging appeal to Marine Surveys and Assessments (MSA), the Port's consultant who is taking the lead on responding to them. Sound Action is the environmental group out of Vashon Island that filed the appeal. Commissioner Scholfield asked if it cost anything to file an appeal. Phil was unsure. He said that once he receives the answers to the interrogatories from MSA he will be sharing them with the Commissioners.

9. EXECUTIVE SESSION

At 8:21PM it was announced that the meeting would be going into Executive Session for approximately ten minutes to discuss the Small Claims counterclaim.

At 8:30PM the meeting returned to Regular Session.

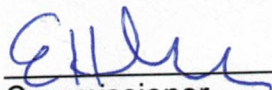
Commissioner Scholfield reported that his Port laptop has crashed and is non-repairable. He plans to purchase a new laptop from Costco.

He needs the laptop for several items including remote access, ZOOM meetings, etc. For tonight's meeting he was able to use his wife's Kaiser Permanente equipment – thanks Amy.

10. ADJOURN

At 8:34PM the meeting adjourned (motion by Reese; second by Scholfield; unanimous).

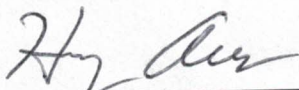
Approved:



Commissioner



Commissioner



Commissioner