

Port of Silverdale

Minutes of Regular Meeting
August 20, 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; Bridget Burke of Clam Island Rowing (CIR); John Bouck, Julie Jablonski and Greg Jacobs of Kitsap Sailing and Rowing Foundation (KSRF); Randy Hunt; Carla Larson; and Jeanette Martini.

2. CONSENT AGENDA

Commissioner Reese moved to approve the Consent Agenda: August Meeting Agenda as amended; July 16, 2020 Regular Meeting minutes as submitted; the August 4, 2020 Special Meeting minutes as submitted; the August 18, 2020 Special Meeting/Workshop minutes as submitted; August 20, 2020 checks numbering 12493 through 12519 totaling \$74,740.49 as outlined in the attached Voucher Approval; and the authorization for electronic transfer of payroll taxes in the amount of \$2,114.56; second by Commissioner Scholfield; approved unanimously.

3. SIGNING OF DOCUMENTS

Commissioners Reese and Scholfield plan to individually stop by the Port office tomorrow to sign documents.

4. UNFINISHED BUSINESS

4.1. Marine Architectural Design and Recreation conservation Office (RCO) Grants –

Art Anderson provided the Overwater Facility Upgrades Concept Design Report. Kathleen Byrne-Barrantes submitted the ALEA & WWRP grant applications to the RCO on Monday for technical completion. Phil said he was going to suggest to Ms. Byrne-Barrantes that she can use the Port's office to attend the final presentation in late September. During the review presentation she had problems with connectivity as she doesn't have a direct internet connection at her home.

4.2. Waterfront Center Predesign Project – the third workshop was held via ZOOM on August 18th. The five option designs that Rice Fergus Miller (RFM) provided were discussed. Phil said that his takeaway was that more input from all the user groups was needed. Commissioner Aus asked if another Special Meeting should be scheduled, since the final decision needs to be made during the September meeting. John Bouck of KSRF said that he was very frustrated because although hundreds of hours were spent with RFM over the past couple of years informing them of KSRF's wants and needs, the designs that RFM provided did not include KSRF. Sailing was ranked number one as a priority for the building, yet didn't even seem to be considered. He suggested RFM be asked to look back at their notes to review the wants and needs of the community. Commissioner Aus agreed that sailing wasn't included in the design, but rowing was and he questioned if there is enough room to adequately include both CIR and KSRF. Mr. Bouck said that he doesn't see a conflict nor an incompatibility between the two user groups. Basically, both groups need changing rooms, meeting space, a dry area to work on equipment. Sailing needs a storage closet, which he didn't think rowing requires. He said it's frustrating because none of these items should be new to RFM. Greg Jacobs said that he was surprised and disappointed to see that on the majority of the designs the pump station was placed in the

area with the most valuable waterfront exposure. With regards to the pump station, the further from the water the better. Carla Larson said that although she agrees she knows the County is concerned about money and thinks that is why it was designed to be as close to where it currently sits as possible. Mr. Jacobs said that Commissioner Scholfield had voiced his concern during the workshop that the building would be taking up some RCO funded parking spots, but Mr. Jacobs thinks it should be out even farther away from the water taking up more spaces if needed. Anything to get it away from the water as far as possible. Commissioner Scholfield said that CIR shouldn't think that the "shell house" that is referred to on the designs is going to be solely for them, unless they plan to pay rent on the facility. It needs to be for multiple users and the public in general; otherwise, the Port will not be eligible for grant funding. Bridget Burke said that Port Townsend stores their shells in a very clever way. She encouraged the Commissioners to go view the Port Townsend's Northwest Maritime Center. Commissioner Reese said that he was looking into other facilities on the internet because he was hoping to go look at one or two of them in person to get an idea of how they are designed, but he found they are closed due to COVID-19. Ms. Burke applauded Commissioner Reese's willingness to take the time to go and view other sites she said that Renton's juniors are rowing so they are open. She offered to get Commissioner Reese a point-of-contact. She agreed that it needs to be a multi-use building and thinks we can make it work as there are creative ways to store the shells. A club in Seattle uses pulleys to hang shells from the ceiling. Ms. Burke said that the big advantage for CIR is getting closer to the water. Commissioner Scholfield questioned if they will be able to maneuver the shells from the building to the water. Ms. Burke was confident that wouldn't be an issue. Phil agreed that Port Townsend's facility is very usable. They took two years of planning with the user groups. He encouraged others to go

to their website as it is very informative. Julie Jablonski resides in Port Townsend and offered to connect Commissioner Reese to the people associated with the Port Townsend Maritime Center. Commissioner Reese said that although the Mount Baker Rowing and Sailing Center is much bigger than what we have been discussing, he was hoping to visit it because it is a joint-use facility, but it is apparently shut down due to the virus. Mr. Bouck reiterated that KSRF and CIR programs are highly compatible. He said that he didn't think we needed to start from scratch but rather just include KSRF's wants and needs into the current designs. Commissioner Scholfield discussed the elevation of a new facility. He said that it will basically be the same elevation of the current pump station and suggested CIR members take a look at it to confirm that they will be able to get their shells to the water with no issues. Ms. Burke said that she didn't see it as an issue and if there was a problem they would come up with a creative solution. Phil asked if any of the other programs had received RCO funding to construct their facilities. He questioned how public funds could be used for private groups. Ms. Burke said that Sail Sand Point and Mount Baker are both part of the City of Seattle Parks Department. The Parks Department partners with nonprofits to run the programs. The nonprofits are charged \$1 a year. If Seattle ran the program inhouse it would cost a lot of money. The city is basically getting a free program because the nonprofit runs it. Although, Ms. Burke wasn't sure how they procured the funds to actually build the facility. Phil explained that the RCO is very strict about awarding grants to projects that will benefit the public in general, not private groups. Mr. Bouck said that the equipment is Port property, so there shouldn't be an issue with storing it. Commissioner Scholfield said that the general public should be able to use that equipment. Ms. Burke reminded everyone that KSRF does offer Monday night sailing that is open to the public. Ms. Jablonski explained that from a safety standpoint in order for the public to use

the equipment they need to first be certified and that is why classes are necessary and a classroom will be beneficial to the public as well as the program. Ms. Burke explained that CIR offers a captain's test and once that is complete an individual can become a member for \$50 a year which allows them to use the shells. CIR also offers free "Learn to Row" days four or five times a year. Phil suggested Ms. Burke contact Kim Sellars, the Port's RCO grant manager, because ultimately Ms. Sellars will need to be on board. Commissioner Aus said that RFM received input at the last workshop and it is his understanding that they will be changing the design accordingly. Public comment is welcomed between now and the next workshop scheduled for September 8th. Ms. Burke asked if there was a mechanism for the public to make comments. At the workshop the public was instructed to send their comments to the Port via email. Mr. Jacobs said that when the oars are sticking out of the shells they are nearly as wide as they are long, this is something that needs to be considered with the new dock design. Ms. Burke said that they reviewed the new design and determined they will be able to launch, so it shouldn't be an issue. Ms. Jablonski asked about the status of the drawings for the new dock as she had requested them from the Port office, but was told they were not available. It was explained that Art Anderson just recently submitted the design. Commissioner Scholfield will work on adding it to the Port's website. Mr. Jacobs asked if the County is on a timeline to rebuild the pump station due to the possibility of losing funding. Commissioner Reese explained that they are on a timeline but it is more related to the current pump station being over its capacity. Phil reported that he will be working with the County's deputy prosecuting attorney on the agreement for the Port and the County to move forward on the pump station building.

4.3. Port Programs

a. Sailing – Mr. Bouck reported that KSRF has formally cancelled the Fall season. Once

the State is in Phase III of the Safe Reopening, they are hoping to get more activity on the water.

Mr. Jacobs suggested the multiple use of the sailboat float be brought to the RCO's attention. Ms. Burke explained that CIR is unable to use the sailboat float because the freeboard is too high. The riggers would hit it. Mr. Jacobs said that when the design of the sailboat float was originated it was mentioned that it could be ballasted down to have less freeboard. There was apparently a risk if it was weighed down and stormy weather hit. Phil asked Ms. Burke to provide a paragraph about the low-profile dock that is needed for rowers in general.

b. Rowing – Ms. Burke reported that CIR members have still been very active during this pandemic as they have tracked 366 hours of rowing during this time. It's a very successful program despite all of the restrictions. In the boatyard everyone is required to wear a mask. To limit the amount of time rowers are in the boatyard they are now using a reservation system allowing up to four rowers in there at one time. CIR has many systems in place in an effort to keep everyone safe.

4.4. Facilities

a. Closure – the County continues to be paused in Phase II of the State's Safe Start Plan.

b. Olympic Outdoor Center (OOC) – Commissioner Reese reported that he and Phil have briefly discussed OOC's renewal. Phil explained that he sent the Commissioners an email prior to tonight's meeting as he has several questions that need to be answered before preparing a proposal. Mr. Kuntz had requested a five-year lease. When OOC first approached the Port about leasing an area near the land side of the pier, they entered a three-year lease. It was agreed to at that time in an effort to allow OOC the time to build up business in the Silverdale location. It was

agreed that a five-year lease is long; whereas, most of the Port's tenants are on a one-year lease. Phil questioned if he should prepare a request for proposals (RFP) and invite other non-motorized watercraft rental businesses to apply. OOC may be the only business interested, but it would be good to advertise it in case there is any interest from other similar businesses and advertising it would more than likely be something that the State Auditor would appreciate. It was questioned if such a concessionaire would be included within the new waterfront center building. Phil said that it would probably take at least three years before that would be possible, but it should be tied in with the new building. In OOC's original request they were going to provide a floating platform that was going to be seasonally attached to the Port's facility. Commissioner Scholfield said that it couldn't be attached to the motorized area because part of the RCO funding for the facility was from non-refunded boat gas tax so it was to provide a facility for motorized boats, but maybe something could be attached to the sailboat float. Allowing OOC's concession stand structure to remain on the pier was discussed. Commissioner Scholfield said that the Port cannot allow commercial activity on the main pier. Mr. Jacobs questioned this since OOC has been on the pier for several years now. Commissioner Scholfield clarified that it has just been seasonal. Mr. Jacobs suggested a solar greenhouse structure on rollers be used instead of the concession stand and then during the off-season it could be used by people wanting to warm up especially during regattas. Commissioner Reese said that from what he has heard from the community the structure is not wanted on the pier especially during the off-season. It was his understanding that it was going to be a temporary structure although now moving forward that doesn't really matter. Carla Larson agreed that it was her understanding it was going to be a temporary structure as well. Commissioner Reese said that we just need to decide on how to move forward. Ms. Burke

said that she talked to Mr. Kuntz last week and he was questioning where he might store the building during the off-season. Commissioner Reese said that is not the Port's problem and if it is a temporary structure it shouldn't be that big of an issue. Phil explained that since OOC's current structure is basically permanent it could create a problem with the RCO since the pier was partially paid for by a grant from the power boat nonrefunded gas tax. Phil plans to prepare a draft contract and send it out to the Commissioners individually before moving forward.

Mr. Jacobs suggested an office for Visit Kitsap be included in the new building as it would be a nice central point for tourism. Ms. Larson said that Patti Graf-Hoke would need to be on board with that. Mr. Jacobs thought more of a small satellite office. Commissioner Reese said that it might be an issue getting a grant for commercial space. Phil said that it would be just for a small portion of the building and if it were for a boating and/or water-related activity concession the RCO would probably be okay with it.

c. Dredge – Phil sent the Port's Response to Appellant Sound Action's First Set of Interrogatories. The Attorney General is defending the case because the Washington State Department of Fish and Wildlife (DFW) is being sued for issuing the permit. Apparently, Sound Action is concerned that disturbing the bottom of the sea floor will cause harm to the plant life. Marine Surveys and Assessments (MSA), the Port's consultant, performed dives in the area and are sure there isn't anything down there but algae and minimal plant life. MSA suggested bagging all the growth and replanting it after the dredge. Phil found an old ~~statute stating that~~ mitigation is not required for re-dredging of a ~~mooring area and for~~ birthing navigation channel. It may affect the outcome. The Attorney General has offered to join with the Port in a Summary Judgment Motion; otherwise, we will be negotiating an offer which will be further discussed in Executive Session.

d. Utilities – the water is now available on the finger piers. The electricity continues to be off and is included in the RCO grant application. The pump station was not working. Commissioner Scholfield brought the motor to Red's Electric in Bremerton. They were able to fix it, but said it doesn't have many more hours of life left. A new pump will be ordered for next year. Seventy-five percent of the costs is reimbursable through the Washington State Parks Clean Vessel Program. Commissioner Scholfield asked if the Port should install a high-speed wireless connection to the pier or go without the video for a few months while the County is working in the area. Commissioner Reese said we should probably go ahead and install the wireless connection. Phil asked if public wi-fi could be offered. Commissioner Scholfield said that he didn't think the Port could offer it because Central Kitsap Fire and Rescue doesn't offer it as it is considered gifting of publicly funded wi-fi. Phil said that some of the other Ports he visits offer it to boaters. Commissioner Reese said that some of the bigger marinas offer it, but they also charge a lot more for moorage. Commissioner Scholfield said it would probably cost the Port another \$100 a month to supply it. Ms. Burke asked if another weather station could be added to the end of the dock. The Port has a weather link on its website. Mr. Jacobs said that from a sailor's perspective, getting it unblocked is key. He adds a link in his chat and it's pretty effective, but he is hoping to get one or two more on the bay, having one up on a piling would be ideal and wi-fi would be really useful for coordinating events. Commissioner Scholfield said that there is an antenna out there, but he isn't sure if it has a strong signal. The high-speed wireless connection is just to be temporarily used as a bridge between the Port office and the security cameras during the time the County's Bayshore/Washington/Byron Street project is underway. Ms. Jablonski said that sailors use the WindAlert app, but wasn't sure if the Port's weather station could be easily

accessed from that. Commissioner Scholfield was going to look into that.

e. In-water work – Commissioner Scholfield reported that TIKAR is moving forward with the in-water work. Lee had provided pictures prior to tonight's meeting for the Commissioners' review. TIKAR had noticed that some of the concrete on the sides of the boat launch was starting to diminish, so in an effort to prevent the undermining they dug down and placed large rock around the boat launch and packed gravel on top of it. They also scrapped off the boat ramp and will move that material to the beach. Several helix anchors that keep the large logs in place were found to be broken, so were replaced. Tim had called the Port office and explained that when the heavy rocks were delivered to the boat launch parking area, he had brought down thirty-two pieces of plywood he had around his shop so that the rocks could be placed on the plywood in an effort to keep from damaging the asphalt at the parking area. Tim had said that the plywood he brought down was not new plywood, but it was still usable and he had planned on using it for a construction job. Since it was used, he plans on charging the Port for just twenty pieces of new plywood. He wanted to make sure the Commissioners were okay with that before adding them to his bill. Commissioner Scholfield said that probably two tons of rock were dropped on the plywood and damaged most of them. It was agreed that paying for twenty pieces of new plywood seemed fair.

Commissioner Reese noticed that Jeanette Martini had messaged that she was hoping to talk when possible because she wasn't able to attend the entire meeting. Ms. Martini introduced herself and explained that she and her husband are working on a mobile catering food truck business and are interested in parking it in the Port's vehicle parking lot. She explained that they are still working with Labor and Industries to get the final approval for the food truck. Commissioner Scholfield said that

the Health Department would also need to be involved. The Port office had received a call from Monica Downen of Monica's Bakery within the last few weeks complaining of a food truck doing business next to Cash Brewery as Ms. Downen was concerned because she had been told that the individual running the food truck was known to have a criminal past. Ms. Martini assured everyone that was not her or her husband and that they have been in this business for about fifteen years with no issue. It was agreed that as long as they submit the concession vendor agreement, provide proof of insurance listing the Port as additionally insured and pay the daily fee they could set up to do business in the vehicle lot. It is their responsibility to obtain all of the required permits. Ms. Martini thanked the Commissioners for their time.

f. Transition plates - Phil had pointed out a possible hazard on the dock where the transition plate lifts up creating a safety issue. Commissioner Scholfield reported that conveyor belt material was placed over the metal transition plate, which seems to have fixed the issue.

g. Boat launch restrooms – there was a complaint that the boat launch restrooms have not been cleaned for a long time. Tim was asked and explained that TIKAR goes in daily and sweeps the restrooms and sprays an antibacterial spray throughout all of them. He plans to give them all a good scrubbing.

4.5. Port Properties

a. Reduction in Rent – many tenants continue to take advantage of the Port's 75% reduction in rent. ***Commissioner Scholfield motioned to continue the seventy-five percent rent reduction for September to tenants that qualify; Commissioner Reese second the motion.***
Discussion: Commissioner Reese suggested that changing it from a seventy-five percent reduction to fifty percent reduction or something be considered next month. Commissioner Scholfield said that the tenants

that are open doing business as usual are paying full rent. ***The motion carried unanimously.***

b. 3295 Lowell/Abeel Studios – Commissioner Scholfield reported that the door was recently received. Once TIKAR completes the in-water work, since it must all be complete within the August window, they will focus on this project.

c. Paving of Alley – it is thought the permit is ready to go. TIKAR will be coordinating with Lakeside Industries.

4.6. Small Claims – the court date is scheduled for September 2, 2020 at 8:30AM. With regards to Mr. Gotschall's counterclaim against the Port it was asked if Enduris has been notified. Enduris had contacted the Port after the Central Kitsap Fire and Rescue had contacted them. Phil suggested an email be sent to Enduris informing them of a possible claim.

4.7. U. S. Navy – Phil prepared a letter dated August 20, 2020 to Michael D. Brady. It confirmed the Port's recognition that the Navy may use the boat launch ramp for launching and retrieving watercraft and that no formal Right of Entry Agreement would be necessary.

4.8. All Ports meeting was tentatively scheduled for August 31st contingent upon the County being in Phase III of the Safe Start Reopening. The County is now on pause in Phase II of the reopening. A Port of Brownsville Commissioner had suggested the meeting be held via ZOOM. Commissioner Scholfield said it should be cancelled until further notice. Everyone seemed to agree. Commissioner Scholfield asked that the Port of Brownsville be notified that the Port of Silverdale will not be attending.

5. TABLED ITEMS

5.1. Port Facilities

a. Department of Natural Resources (DNR)

b. Benches

2. Benefits

6. NEW BUSINESS

6.1. Complaint via a phone call from an individual named Jacob was received. He said that he was eating in his vehicle at the boat launch parking area at approximately 9:00PM one night, when a security guard told him he had to leave. He refused to leave until he was done eating and the security guard called the sheriff. He said that the security guard was unprofessional and overstepped his authority. Jacob was told that the Port is closed to non-boaters from sunset to sunrise and technically sunset was about 8:45PM that evening. He understood.

6.2. Complaint via phone from an individual that was concerned that the Port's security guard was not wearing a mask. The individual confronted the security guard about it and was told that he is not a Port employee but rather contracted by the Port.

6.3. Complaint – an email dated July 31, 2020 from Joseph was received. He complained that since the vehicle/boat trailer lots are coned off, it is making things worse as groups of individuals are crowding together, not socially distancing, in the vehicle-only lot. With the hot weather the parking lots are very busy and in an effort to keep the vehicle/boat trailer lot available to boaters with a trailer on their vehicle the stalls are coned off and it seems to be working well. Commissioner Reese said that when he came down to launch his boat this past weekend, all the vehicle/boat trailer stalls were full of vehicles with attached trailers. He was happy to find space along Byron Street.

6.4. Ledget Chapman – crashed his vehicle at the Port's vehicle lot on July 25, 2020. A letter dated July 29, 2020 was sent to Mr. Chapman

from the Port. It outlined the \$145.50 Mr. Chapman owes the Port for the costs the Port incurred.

6.5. Yoga – an individual came into the Port office asking permission to hold a body board yoga class from the finger piers. The day prior to the class, she was talking to the Port Host who asked if she had received permission from the Port to hold the class. That is what prompted her to stop by the Port office and ask. She was told that she would not be given permission to hold the class as that area is for motorized watercraft and it would be a safety hazard. She had mentioned that a yoga studio is holding weekly yoga on Port property. The Port hasn't received a Use of Port Property Application from any yoga studio this year. Commissioner Scholfield said that he hasn't seen any groups of individuals doing yoga on Port property.

6.6. July 2020 Budget Summary Review was discussed.

6.7. Joel Gibson Band is planning a music event in Dyes Inlet on August 23rd at 4:00PM. Commissioner Reese saw the event listed on Facebook and was concerned that it may draw a crowd to Port property. Commissioner Reese has talked to the band's manager, who assured him that they are not planning to be close to the dock or even heard from shore or the dock. They are more catering to boaters out in Dyes Inlet. Commissioner Reese was provided with the manager's phone number and asked to call her if there were any issues as they didn't want to create a problem. Commissioner Reese is planning to be down at the pier just in case.

6.8. County Bayshore/Washington/Byron Improvement Project – County personnel dropped off informational cards regarding the project. Construction is to begin after Labor Day and will start at the end of Washington near the pier. Commissioner Scholfield reported that they have already begun to

prepare the area and it is his understanding that if all goes as planned, they will be done with that portion of Washington by November.

7. SAFETY/SECURITY

7.1. Threat – on Sunday, August 16, 2020 around 11:15AM Commissioner Scholfield was verbally threatened to be ran over by a female individual after he explained to her that the curbed area in the vehicle/trailer lot where she was parked was not opened for parking and then he asked her to move her vehicle. After she made the threat, she told Commissioner Scholfield that she had contacted the Port. She then drove off and as she was driving through the vehicle/boat trailer overflow lot she ran over all the street cones that were set up to keep the parking stalls opened for vehicles with trailers. An offensive e-mail dated August 16, 2020 at 11:16AM from Raeanne Wagner was received. If Ms. Wagner is seen on Port property in the future, she will be trespassed for three years.

7.2. Signage – Commissioner Scholfield reported that there has been a shortage of pressure-treated posts at the local hardware stores. Once he is able to obtain them, he will be installing the signs at the boat launch area.

Commissioner Scholfield reported that he purchased a box of facemasks as the Port is required to supply masks to its employees.

8. PUBLIC INPUT VIA EMAIL

Randy Hunt questioned Commissioner Schofield's comment during the meeting that commercial activity cannot take place on the main pier. Commissioner Scholfield said that commercial activity cannot interfere with motorized boats. The addition of another gangway heading down to a non-motorized float may alleviate any issues. Phil added that as far as the Port is aware there hasn't been any contamination with the two user groups. He had talked to Kim Sellars about it.

Ms. Jablonski said that she had more questions about the waterfront design, but she could talk to someone with the Port outside of the meeting. She was directed to view the Rice Fergus Miller presentation on the Port's website under the documents tab. Ms. Jablonski said that she would be sending the Port the point-of-contact for the Port Townsend Maritime Center in case Commissioner Reese would like to follow-up on that.

9. EXECUTIVE SESSION

At 9:13PM it was announced that the meeting would be going into Executive Session for approximately fifteen minutes to discuss litigation.

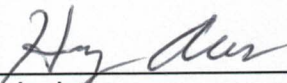
At 9:31PM the meeting returned to Regular Session.

No one was waiting to rejoin the meeting.


10. ADJOURN

At 9:32PM the meeting adjourned (motion by Scholfield; second by Reese; unanimous).


Approved:



Commissioner



Commissioner



Commissioner

