

## **Port of Silverdale**

Minutes of Regular Meeting  
September 17, 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; Kathleen Byrne-Barrantes of Grant Solutions; Steve Rice of Rice Fergus Miller (RFM); Dave Tucker and Barbara Zaroff of Kitsap County Public Works; Bridget Burke of Clam Island Rowing (CIR); John Bouck of Kitsap Sailing and Rowing Foundation (KSRF); Bob Hunter; Jim and Leslie Knapp; Carla Larson; and Patsy Reese.

### **2. CONSENT AGENDA**

*Commissioner Scholfield moved to approved the Consent Agenda items as submitted.* It was noticed that Commissioner Reese was not present. His internet connection had failed. It was mentioned that there were two corrections one within the August Regular meeting minutes and the other within the Special meeting/workshop minutes.

*Commissioner Scholfield retracted his original motion and moved to approve the Consent Agenda items as amended. Commissioner Aus second the motion.* Commissioner Reese was reconnected to the meeting. *Approved unanimously.*

### **3. SIGNING OF DOCUMENTS**

All three Commissioners plan to individually stop by the Port office tomorrow to sign documents.

### **4. UNFINISHED BUSINESS**

4.1. Waterfront Center Predesign Project/Pump Station #3 – Steve Rice said that he believes we are at the point that RFM will complete the rest of the site design tasks owed to the Port. He added that a predesign typically doesn't include a definitive site plan. Since it isn't a very big piece of property, he thought it would be good to have a couple of options and explained that with a predesign things are more flexible. Mr. Rice said that he would like to set up a meeting with Phil and just one Commissioner, but in the meantime wanted to show everyone another design option RFM had created. The Commissioners agreed. The ZOOM screen was shared with Mr. Rice so he was able to show the designs. Design F-1 and F-2 were viewed. Within both designs building 2, that houses pump station #3, was sitting east to west on the lot and building 1, shell/sailing house, was sitting east to west on design F-1 and north to south, using a couple of the vehicle/boat trailer parking stalls, on design F-2. Mr. Rice explained that RFM determined that a sixty-five-foot rowing shell could be maneuvered within either of the designs. He said that RFM felt the need to come up with a couple more options after the last workshop and wanted to make sure everyone realized that their concerns were heard. Commissioner Reese said that he is still very concerned. There are 21,500 residents within the Port District and it seems that we are listening to the most vocal people, who don't even live within the Port District. He

has heard many of the local tax payers' concerns that the view will be obstructed and the open space lost to development. He said that with the buildings both west to east it still seems like an issue to him. Phil said that building 2 that houses the pump station is what needs to be decided upon at this time because a Memorandum of Understanding (MOU) is needed with the County as soon as possible since they are on a time constraint.

Commissioner Aus said that there wasn't much discussion or concern about building 2. He thought it was good as is and since the Port is working with the County on it, we should move forward. Commissioner Scholfield agreed and said that with moving the current pump station back from the waterfront that area will be opened up and more viewable. He said currently there isn't much of a view from the vehicle/boat trailer overflow lot anyway unless you get out of your car. He added that Kitsap County Department of Development is trying to make Old Town a pedestrian-friendly area; whereas, it seems that Public Works is pushing for people to have a view from their vehicles. Mr. Rice said that he has heard these items debated amongst the Commissioners. This project is to integrate the pump station into a multi-use facility including a viewing platform. The view from Byron Street while traveling in a car is already obstructed and the viewing platform that will provide the public with a view from a higher perspective 24/7 should be considered. Commissioner Reese said that he thinks the Port needs to move forward but also thinks we are still far from saying we are going to build these buildings as designed on this footprint. Mr. Rice said that the predesign was to get close. There was a lot of conflicting public input. He suggested closing the

predesign and carry the site plans forward with a cost plan. He said that the orientation of the building wouldn't change the costs that much. It would have been nice to have chosen a design but clearly it needs more thought. Commissioner Aus said that building 2 that would house the pump station is hemmed in with the sewer pipe easement and there is no other way to get around that; whereas, building 1 has more flexibility. Commissioner Scholfield asked Commissioner Reese his thoughts about splitting them into two separate projects. Commissioner Reese agreed we should move forward with the pump station building. Commissioner Scholfield said that then later the shell/sailing house could be the focus once the community can agree on a design. It was asked that RFM split out the cost plan for two separate projects. Mr. Rice agreed. Commissioner Reese said that when he was looking further into Bainbridge Island Rowing he discovered that the club actually raised 1.9 million dollars towards that building. He hasn't heard CIR or KSRF offer to help financially support this project, but rather make several requests. Commissioner Scholfield agreed and said that CIR and KSRF need to look for waterfront center sponsors, maybe the Haselwood and/or Mentor families. Mr. Rice said that splitting the costs for the two buildings makes sense. He cautioned attempting to fundraise without a definite finalized design in place. In order for fundraising to be successful there must be confidence from the very start. He said that the predesign can easily continue with discussion about views and open space. It will take a little more effort and RFM can talk to the Port about that. Commissioner Aus reminded everyone that the project began with the Port wanting to work with the County to

move the pump station off of the prime waterfront land that it currently occupies. He said that he thought the Port should move forward with the County working together to move the pump station. Commissioners Reese and Scholfield agreed. Phil said that the Port will need to enter an agreement with the County for a joint-use building. Barbara Zaroff said that the County is about to proceed with the final design and will need to have their architect work directly with the Port's architect. She explained that the final design will be completed in early 2021 with construction scheduled for the Spring of 2022. Phil said that phase 1 will be the entire building design and include the pump station with viewing platform on top. He will start on an MOU so that the meetings can be scheduled as soon as possible in an effort to quickly move forward. Mr. Rice said that RFM would be happy to participate with those meetings with the County. Dave Tucker agreed that he thought this was the right way forward and reiterated what Ms. Zaroff had said that they just want to make sure that the Port gets what they need from the design without having to do things multiple times. Mr. Rice said that Ron Easterday of RFM has talked with the County and stands ready to have meetings about coordinating efforts. *It was agreed to move forward in working with Kitsap County to move pump station #3 into a joint-use building on Port property* (motion Scholfield; second Reese; unanimous). Phil said that he will draw up a draft MOU and forward it to Mr. Tucker who will review it with the County's prosecuting attorney's office. Phil will also provide a copy to the Port Commissioners. Commissioner Reese thanked the County for attending these

meetings and being willing to work with the Port on this joint-effort.

4.2. Recreational Conservation Office (RCO) Grants – Kathleen Byrne-Barrantes reported that the final grant presentations will be via ZOOM and are scheduled for September 30<sup>th</sup> (WWRP 9:55AM / ALEA 11:15AM). Ms. Byrne-Barrantes said that she emailed a draft final slide presentation to the Commissioners and Port office. She explained at this point the presentation can still be changed, but the grant application cannot and she asked the Commissioners to review the presentation and provide her with any changes that they see as necessary. Phil requested that Ms. Byrne-Barrantes format the slide presentation into a pdf file and resend it. She said that she would. She explained that a decision needs to be made about applying for the Boating Facilities Program (BFP) grant as the initial application is due November 1<sup>st</sup>. Commissioner Scholfield said that he thought we need to move forward with it because we are in need of a power and water upgrade to the moorage facility. He asked Ms. Byrne-Barrantes to move forward with the application. Phil reported that he hasn't heard back from RCO grant manager Kim Sellars about any issues with the non-motorized gangway and float that are included within the ALEA and WWRP grants. The fixed pier will be a joint-use between motorized and non-motorized boaters, which shouldn't cause any issues. Ms. Byrne-Barrantes said at this point we are just moving forward as if there is no issue from the RCO. Phil said that the RCO is monitoring the intended use verses the actual use of RCO funded facilities. The Olympic Outdoor Center's concession stand on the pier would more than likely raise concern, since it is not considered a temporary-type, removable structure. Ms. Byrne-Barrantes asked Bridget Burke and John Bouck to provide support-letters on behalf of CIR and KSRF. They agreed. Phil said it was imperative to have in writing the need for the

non-motorized float with the low freeboard aimed towards the rowers and a need for additional room for sailboats, so including those items into the support letters is important. Ms. Burke and Mr. Bouck will also be sent the draft final slide presentation for review and Ms. Byrne-Barrantes will be provided with their email addresses. The deadline on everything is September 27<sup>th</sup>.

#### 4.3. Port Programs

a. Sailing – Mr. Bouck reported that KSRF plans to start up again. The board met and agreed they want to get the kids out on the water. There will be no competition, so no teams, but they will be able to get out on the water in singles. All safety protocols will be followed. Mr. Bouck wanted to make sure it was okay with the Port. The Commissioners agreed that should be fine as long as all the State and Centers for Disease Control and Prevention (CDC) safety guidelines are followed. Mr. Bouck said that they hope to start next week, but it depends on the air quality due to the Pacific Northwest fires.

b. Rowing – Ms. Burke reported that they had hoped to have started the juniors rowing program in single shells this week, but the smoke/air quality has caused a delay. At some point they may install some sort of cover in the boatyard area and may have a work party in November to winterize everything with tarps, etc. Ms. Burke said that it's a really great location as it provides so much more room for everything and everyone as well as it is safer since they don't have to cross a street to get to the water. She wanted the Commissioners to know that both the rowing and sailing programs make such a positive impact on individuals and especially teenagers. She said that she can't even express how good it is for kids, giving them an opportunity to be involved in the programs especially during these uncertain times with many changes. She thanked the Commissioners.

#### 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) has continued to pay 25% of rent for September. Phil will write up a contract, but advised that if it is for more than a one-year timeframe a Request for Proposals (RFP) should be generated and sent to similar businesses. OOC's current contract is through the end of May 2021. *Commissioner Scholfield made a motion to not allow the concession stand to remain on the pier.* There was not a second. Commissioner Reese said that he thinks the consensus is to not allow it to be there, while it's not in use, but with the contract not expiring until May and the agreement to just charge \$100 during the off-season months (Oct – May), he questioned if anything could be done until after May 2021. Commissioner Scholfield suggested John Kuntz be notified that the next contract is not going to allow for the building to remain, so he might want to consider removing it now and ending the contract at this time, which will save him \$100 a month through next May. Phil plans to prepare an email.

c. Dredge – Phil said that this continues to be in litigation. Sound Action appealed the Washington State Department of Fish and Wildlife's (WDFW) issuance of the permit to allow the dredge. The law states that mitigation is not required for re-dredging of a birthing area or navigation channel. Sound Action claims that the proposed dredge area is larger than the dredged area in the past. Phil has joined forces with the State's Attorney General's office to dispute this. The Port's consultant Marine Surveys and Assessments (MSA) was retained to assist in answering twenty-eight pages of interrogatories that included many technical questions. This last response is due tomorrow.

d. Utilities – Commissioner Scholfield said that he continues to work on the wireless high-speed connection to the pier which will enable the cameras and weather station to continue to be viewed via the Port’s website during the County’s Bayshore/Washington/ Byron project. Commissioner Scholfield said that there is no line of sight and that is problematic. Ceccanti is the County’s contractor that will begin construction on September 28<sup>th</sup> or 29<sup>th</sup> at the south end portion of Washington. That area is estimated to be completed near March 2021. If it is not possible to create a wireless connection the Port will be without the cameras and weather station for about six months.

Commissioner Scholfield looked into the WindAlert app as requested by KSRF members last month. He determined that it is hardware specific and is not compatible with the Port’s weather station.

e. In-water work by TIKAR is complete. An email dated September 11, 2020 from Lee of TIKAR outlining the completed work was reviewed. Lee said that they are happy with the outcome of the projects and the boat ramp hasn’t been in this good of shape for a long time. Any undermining issues with the boat ramp are no more. It was a good month of preventative maintenance. Commissioner Scholfield said that the concrete curbs in the boat launch parking lot need to be repaired. Lee said that he has prepped them and plans to put spikes in them to finish the repair.

#### 4.5. Port Properties

a. Reduction in Rent – many tenants have been taking advantage of the Port’s 75% reduction in rent stating that they continue to be affected by COVID-19. Phil suggested that those tenants that continue to be affected and pay the reduced amount of rent be asked to provide a written detail of how they are affected. *Commissioner Reese motioned to offer*

*a fifty percent rent reduction for October to tenants that qualify; Commissioner Scholfield second the motion (with a thumbs up as his audio was not working) The motion carried unanimously.*

b. 3295 Lowell/Abeel Studios – Lee reported that the materials for the south wall repair project have been painted and are staged. TIKAR plans to begin the project next Wednesday. Commissioner Reese asked how long it will take to complete. Lee said anywhere between four and seven days. They expect the project to be fairly cut and dry with no additional damage being found, although there is no guarantee.

c. 3215 Lowell Street, upstairs closet – Rick Wells owes the Port \$150 for rent on the upstairs closet. He uses the closet as storage at \$15 per month. He has been contacted on numerous occasions and most recently talked to via phone, where he said that he has moved to Georgia but intends to continue to rent the closet. Payment was never received. It was suggested that a certified letter be sent to the address that he had last listed within a previous lease he had with the Port.

c. Paving of Alley – Lee reported that the permit has been issued and the project will be fit into Lakeside Industries schedule and should be complete by the end of this month. Lakeside will provide TIKAR with a three-day notice prior to beginning the project, giving TIKAR time for prep and provide notice to the tenants that will be affected. Lee explained that for the most part it is already prepped other than changing up some of the sidewalk area. Commissioner Scholfield asked when TIKAR plans to complete the prep on the sidewalks. Lee said it is scheduled for Monday, September 21<sup>st</sup>.

4.6. Small Claims – on September 2, 2020 Commissioner Scholfield with son Jeffrey, Phil Best, Theresa Haaland, Tim Knapp and Jay

Christian of Central Kitsap Fire and Rescue (CKFR) attended the scheduled court date for the small claim case against John Gotschall, the individual who crashed his sea plane into Dyes Inlet and refused to reimburse the Port for the costs the Port incurred due to the crash. Once in the courtroom everyone was told that a pre-mediation meeting with all parties and a Dispute Resolution Center (DRC) representative was mandatory. Commissioner Scholfield asked if that would be a conflict-of-interest for the Port since the DRC is a Port tenant. He was informed that would be addressed at the beginning of the mediation. Once at the Port office Commissioner Scholfield logged onto the scheduled ZOOM meeting at which time he was informed that yes indeed the DRC being a tenant of the Port created a conflict-of-interest and a new court date would be scheduled. The new court date is set for October 14, 2020 at 1:15PM in Courtroom 203. Jay Christian has since asked to be relieved from having to be a witness. In an email dated September 4, 2020 Mr. Christian explains that he spoke with Mr. Gotschall after the brief court appearance on September 2<sup>nd</sup> and was informed that Mr. Gotschall's counter claim is for plane damage that he believes was made by the crane operator while removing the plane from the water. Since the removal of the plane from the water happened after Mr. Christian terminated command, he does not feel he is needed as a witness. Commissioner Scholfield agreed. The Port is in possession of CKFR's incident report. Enduris has been informed about the counter claim.

4.7. Barbacoa – an email dated September 9, 2020 from Jeanette Martini and Dan Miller was reviewed. They thanked the Commissioners for the opportunity to serve the Old Town community by having their food truck parked and doing business from Port property. They are still working with the Department of Labor and Industries to finalize everything, but are

looking forward to working from the Port vehicle parking lot. She also sent a menu.

4.8. Ledget Chapman – the individual who crashed his vehicle in the Port's vehicle lot on July 25, 2020 did not respond to the Port's letter informing him that he owes the Port \$145.40 the amount the Port incurred for cleanup costs of the accident. There was discussion that the Port may be able to report this to the State Department of Licensing (DOL) if Mr. Chapman doesn't pay. It was suggested that a certified letter be sent and the letter inform Mr. Chapman that his driver's license could be in jeopardy as the Port is considering reporting this outstanding debt to the DOL.

## **5. TABLED ITEMS**

### 5.1. Port Facilities

- a. Department of Natural Resources (DNR)
- b. Benches

### 5.2. Benefits

## **6. NEW BUSINESS**

6.1. Boats anchored in Dyes Inlet – there are about four or five sailboats rafted together in Dyes Inlet and another four or five boats anchored out around them. Several of these boats have been there for a very long time. Besides disregarding the State's thirty consecutive days allowance, it is thought that several of them are dumping sewage. Commissioner Scholfield has heard many complaints from various residents off of Tracyton Boulevard and he is aware of a couple verbal incidents between some of the individuals on the boats and KSRF members. The land they are anchored on is owned by the Department of Natural Resources (DNR). Commissioner Scholfield said that if he reports it to the DNR they will ask the Port to take the lead on it, since it is within the Port District. Commissioner Reese suggested anyone complaining be asked to contact DNR directly. Commissioner Scholfield explained that the

DNR very rarely gets involved unless there is some sort of environmental hazard and without proof that they are dumping sewage it is just hearsay. The Kitsap Public Health District also doesn't want to get involved. Commissioner Scholfield has spoken with Sean Nye, Commissioner of the Port of Brownsville, as they too have similar issues. Commissioner Nye said that they have trespassed such individuals, which keeps them from being able to dinghy into Port land and encourages them to move along. Commissioner Nye plans to make a presentation at a future All Ports meeting about how to handle these types of issues. Also, he is aware of towing companies that will pull boats from the water on a flatbed and boats can be disposed of at the Olympic View Transfer Station off of Barney-White Road. Commissioner Scholfield said that with the Port's power not available on the docks and now the showers will be shut down for the season, this may deter some of them to go elsewhere. Commissioner Reese said that he didn't think the Port should attempt to take possession of any of the vessels and suggested the DNR be pushed to do their job. Commissioner Scholfield said that maybe Kitsap County Commissioners Ed Wolfe should be contacted. Since Commissioner Reese was provided with Commissioner Wolfe's cell phone number when he was invited to meet with him, he will place a call into Commissioner Wolfe.

6.2. County's Bayshore/Washington/Byron project – Rob McKinley of Kitsap County called the Port office and explained that they will need to drill monitoring devices into the foundation of several of the Port buildings. Commissioner Scholfield has talked with Mr. McKinley and the company doing the work along with County personnel plan to talk with all of the tenants beforehand.

Commissioner Scholfield talked with a Kitsap County reporter about the County's project and its effects on the Port.

## **7. SAFETY/SECURITY**

7.1. Signage of Port rules that include closure of facility to non-boaters from sunset to sunrise was posted in the boat launch parking area as requested by Safe Security.

Signs provided by the County regarding safety guidelines for COVID-19 were posted. Commissioner Scholfield reported that the recent windy weather already took them down.

## **8. PUBLIC INPUT VIA EMAIL**

Jim Knapp asked what preventative maintenance (PM) program the Port uses to keep track of maintenance items. Lee explained that the Port doesn't currently have a consolidated preventative maintenance list, but TIKAR is working on a list which will include the maintenance on the rental properties. They plan to submit the list by the next meeting. Mr. Knapp questioned if a contractor is or should be controlling that. He feels the Port needs to control it, not an outside source. Lee explained that the list of recommendations would be submitted to the Port and from there it would be up to the Commissioners to decide on what to complete and when. Mr. Knapp said that this is something that should have been done a long time ago, he was very surprised there wasn't something already in place. He added that with the Port's ambitious development plans having a PM plan in place will be of utmost importance. Commissioner Aus said that Mr. Knapp's experience is with a much larger entity. Mr. Knapp said that even small entities rely on such a system and he offered his services if the Port ever gets to the point where they want to start a PM. He

explained that his dad, Harry Knapp, who served as a Port Commissioner for over thirty years, put a lot of heart and soul into the Port and he too truly has an interest in the Port and again offered his help and input at any point.

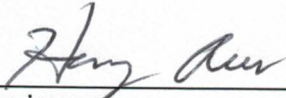
**9. EXECUTIVE SESSION**

None

**10. ADJOURN**

*At 8:57PM the meeting adjourned* (motion by Reese; second by Scholfield; unanimous).

Approved:



\_\_\_\_\_  
Commissioner



\_\_\_\_\_  
Commissioner



\_\_\_\_\_  
Commissioner



### VOUCHER APPROVAL

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 \$58,431.09 and from the General Fund, this 17th day of September, 2020.

*Theresa Haaland*  
Auditor

*Henry Aus*  
Port Commissioner

*E.A.*  
Port Commissioner

*Ch*  
Port Commissioner

Number	Name	Amount
12520	CALEB A. REESE	471.73
12521	ED SCHOLFIELD	1,424.14
12522	HENRY AUS	235.88
12523	THERESA R. HAALAND	3,800.00
12524	LOWE'S	277.70
12525	WAVE BROADBAND	143.54
12526	CASCADE NATURAL GAS	39.88
12527	CRYSTAL SPRINGS	41.73
12528	KITSAP COUNTY PUBLIC WORKS	472.08
12529	PUGET SOUND ENERGY	397.55
12530	WASTE MANAGEMENT - BREM AIR DISPOSAL	297.60
12531	WAVE BROADBAND	71.35
12532	VISA	893.71
12533	MITCHELL LUMBER CO.	125.82
12534	TACOMA SCREW PRODUCTS	57.05
12535	HIS HANDS LAWN CARE & SERVICES	1,005.88
12536	MARINE SURVEYS & ASSESSMENTS	4,583.75
12537	SIMONS FAMILY LIMITED PARTNERSHIP	3,163.84
12538	KEN STORM	825.00
12539	TERI ORR	200.00
12540	SAFE SECURITY	4,023.50
12541	TIKAR SERVICE, LLC	33,027.87
12542	VERIZON WIRELESS	64.34
12543	ED SCHOLFIELD -	212.17
12544	PHIL BEST, ATTORNEY	2,475.00