

Port of Silverdale

Minutes of Regular Meeting
November 18, 2021

The Port meeting was held in person and the public was also allowed to attend via ZOOM. The link to the meeting was posted on the Port's website - portofsilverdale.com.

1. CALL TO ORDER

Commissioner Caleb Reese called the meeting to order at 6:00PM. Others attending in person were: Commissioner Ed Scholfield; Commissioner Doug Kitchens; Attorney Phil Best; Administrator, Theresa Haaland; and Carla Larson. Those attending via ZOOM were: Lee Knapp of TIKAR Services; John Bouck and Greg Jacobs of KSF; Bridget Burke of Clam Island Rowing (CIR); Hank Anderson; Henry Aus; and Roy Sahali.

2. PLEDGE OF ALLEGIANCE – those in attendance stood and recited the pledge.

3. CONSENT AGENDA

It was agreed to approve the following Consent Agenda items as submitted: November Meeting Agenda; October 19, 2021 Special Meeting minutes; October 19, 2021 Regular Meeting minutes; October 25, 2021 Kitsap All Ports Meeting minutes; November 2, 2021 Special Meeting minutes; Authorization for Electronic Transfer of Payroll Taxes #2021-11 to the U.S. Treasury in the amount of \$3,201.88; the November 18, 2021 Voucher Approval for checks numbering 12880 through 12908 totaling \$90,825.36, which is attached to these minutes (motion by Scholfield; second by Kitchens; unanimous).

4. ATTENDEES WHO ASKED TO BE PLACED ON THE AGENDA – None.

5. UNFINISHED BUSINESS

5.1. Waterfront Center Predesign Project/Pump Station #3 –

a. The Port received an email dated November 11, 2021 from Patano/EHDD it included the County's architect, Landau's, 85-page geotechnical report.

b. It was agreed to sign the Patano/EHDD additional services memorandum dated November 8, 2021, which included additional work performed by Leon Environmental for the groundwork of the Waterfront Center design and had previously been approved.

c. A charette-style meeting with Patano/EHDD and Leon Environmental is scheduled for December 8th, 2021 at 11:00AM at the Port office. It was originally thought this would be an in-person meeting only, but Phil informed that Patano personnel requested it be made available via Zoom as well.

5.2. Grants/Projects

a. Phil reported that he spoke with the Port's Recreation Conservation Office (RCO) grant manager, Kim Sellars, about the possibility of using grant money to move the floating moorage facility verses dredging. Ms. Sellars was going to look into it and get back with Phil.

It was agreed to accept Kathleen Byrne-Barrantes' of Grant Solutions contract amendment through 11/3/2022 (motion by Scholfield; second by Kitchens; unanimous).

b. *It was agreed to accept Art Anderson Associates (AAA) proposal for the Marina Relocation Design dated November 17, 2021* (motion by Scholfield; second by Kitchens; unanimous).

c. Phil reported that the litigation regarding the dredge is scheduled for December 3, 2021. He has read through the Attorney Generals response and joined in on it.

5.3. County's Bayshore/Washington/Byron project – Commissioner Scholfield reported that Ceccanti continues to use the Port property. Apparently, an electrical company will be installing lines next week for the street lighting. There was flooding at two of the Port's properties – 3332 & 3330 Lowell Street due to the County's Bayshore/Washington/Byron Street project. The water was about an inch away from flooding the floors in the 3330 Lowell Street building. The unfinished basement at the 3332 Lowell Street building was completely flooded. Commissioner Scholfield said that the County admitted the contracted construction company (Ceccanti) was at fault. The Port's tenant, Danae O'Dell, was storing items in the basement and they were ruined. She was directed to submit a claim directly to the County. The Port-owned dehumidifier and water heater were soaked and will need to be replaced. TIKAR has been tasked with removing all of the ruined items from the basement. Once everything is cleaned up and new equipment is installed a claim on the Port's behalf will be sent to the County.

5.4. Programs

a. Sailing – John Bouck submitted the following report dated November 15, 2021:

1. Fall sailing is wrapped up. Boats are in the yard and covered as much as possible. Yard is full.
2. Winterization - we would like to take the motors back to AquaTech in the next few weeks. We are anticipating that the port will pay for reasonable maintenance of the motors.
3. Fleet - no significant changes to the fleet since the last meeting. The fleet continues to age, we have not added new boats recently.
4. Our holiday wreath fundraiser is underway. If anyone is interested in fresh local wreaths and wants to support sailing, we are still taking orders for the December 2nd delivery date. More information is on our website or email us at info@kitsapsailing.org

It was agreed that the Port would pay the costs for the winterization of the two chase boat motors.

b. Rowing – Bridget Burke submitted the following Memo dated November 2021:

1. Boat Storage

CIR is waiting to discuss boat storage with Phil Best.

2. Work Party - CIR completed work party the second week of November. General boat maintenance and yard work completed.

3. Programs

a. Masters Sculling - continuing the mornings

b. Master Sweep - season ended

c. Juniors (high school) - rowers did well at Regionals with a boys double in 1st place

Juniors end of season party concluded Juniors Season

d. Masters and Juniors are competing in the Virtual Erg competition with Concept2

4. Erg Room

CIR is pursuing a new location for erg room at Jenny Wright. Doug Newell is looking for a space for CIR to rent. We hope to move closer to the water. Having a workout room near the water will be a huge improvement for our club.

5. Oar Storage

CIR is requesting to store oars at Chris Hoffman's garage for the winter. This will keep them out of the wind and rain. Chris Hoffman is a CIR rower. His address is 7990 Lazy S Lane NE.

Phil explained that he plans to meet with Ms. Burke to discuss the boat storage contract. He said that he is revising the entire boat storage contract for the Port, so that it is one complete contract for all boats the Port allows to be stored. There was discussion about allowing the oars to be stored off-site at a rowing members house. Commissioner Reese questioned the insurance coverage and if the residence is even in the Port district, which it was determined it is not. Ms. Burke explained that where they oars are currently stored, in the boat yard on the water-side of the Old Town Pub, the wind is significant in that area and the oars get knocked around and the paint gets chipped requiring additional maintenance. Commissioner Scholfield suggested they be stored in the basement of the 3215 Lowell Street building. Ms. Burke agreed that anywhere in doors should be fine and that they can be stored vertical or horizontal, it doesn't matter. Commissioner Scholfield agreed to provide access to the building and asked Ms. Burke to contact him when she and rowing members plan to move the oars. Ms. Burke explained that Enduris has asked the Port for a value on the recently destroyed Boston Whaler that caught fire last month and the Port in-turn asked Ms. Burke to determine the value. She asked if it would be the replacement value of the boat. It was thought that it would be replacement value and it was suggested she look at Craigslist for a used, similar sized Boston Whalers without a motor because the Port's motor was not damaged by the fire. Ms. Burke said that she heard the claim was for \$20,000. It was explained that includes all the damage to the dock.

5.5. Facilities

- a. Restroom overhaul will probably take place next spring.
- b. Outer-Water Boundary extension – Phil said that he has talked with the Department of Natural Resources (DNR) Ports Program Manager, Don Olmsted about the extension. Mr. Olmsted told Phil he is planning to retire, but he plans to discuss this further with Phil prior to that.
- c. Leveling the docks – Lee reported that there has been a material issue for the new lifting system. The material is scheduled to be received next week. TIKAR plans to begin the work after Thanksgiving.
- d. Repair of the dock due to fire will take place next week.

5.6. Port Properties

- a. Painting of Port-owned buildings – Lee reported that it is too damp to actually paint, but they have scrapped and sealed everything and it is ready for paint once the weather cooperates.
- b. 3295 Lowell/Abeel Studios – Commissioner Scholfield reported that he repaired the electrical issues and plans to replace the non-working ballasts with LED lighting.
- c. Road vacation – nothing to report.
- d. 2022 Port property leases need to be generated. Phil will send the lease templates to the Port's email. The tenant, Joy Jarvis, of 3423 Byron Street dropped by the Port office and asked if she could be on a month-to-month

lease for a few months. She said that a person she subleases to isn't renewing, so she needs time to attempt to get someone else in there or decide her next step. It was explained that the lease will automatically default to a month-to-month after December 31, 2021. The Commissioners agreed that would be fine. There was discussion about increasing the rent of the two upstairs suites at the Port office - 3550 Byron Street, since the Port office building rent increased earlier this year. The two tenants currently pay \$325. It was agreed to increase the rent of both suites to \$375.

5.7. Redistricting – Phil reported that the redistricting is progressing quite rapidly these past few days. He is mapping it all out now and will be working with the Kitsap County Auditor's office to get more details. He plans to have it ready for a decision at next month's Port meeting.

5.8. Interlocal Agreements (IA) with the Port of Tracyton and Illahee were discussed. The Port of Tracyton's IA with Silverdale was ready for signature. It was explained that the Port of Illahee's should be ready for signature at the December Port meeting. They both are to begin January 1, 2022.

5.9. Strategic Planning of the Port Organization – Mary McClure, who was facilitating for the Port has decided not to continue. Phil plans to look into other facilitators. A portion of the discussion thus far with Ms. McClure was pointing towards hiring additional Port staff, which is needed. It was thought that with the process continuing the Port would be provided with clear steps on how to proceed. Commissioner Kitchens explained

that he provided Port staff, Theresa Haaland, with some questions to answer in an attempt to help the Commissioners help her determine what is needed and ultimately hire additional help. Ms. Haaland said that even just to get someone to take over the minute taking and preparation would be of great benefit. Phil said that he provided Ms. Haaland with sample minutes from other organizations, where the minutes are very summarized. Phil also suggested that Ms. Haaland have a block of uninterrupted hours each day as it is hard to get work completed with many interruptions. The idea of having an additional staff person to talk to the public as they come into the Port office was discussed. Commissioner Kitchens said that once the duties and responsibilities of a new employee are known, then the Port could contact a personnel service. It was questioned if a Request for Qualifications (RFQ) sent to several personnel services would be required and/or the legalities of the Port hiring additional staff. Commissioner Kitchens reiterated that we first need an outline of what the Port is looking for. Commissioner Reese offered to help Ms. Haaland draw up a job description.

Hiring legal counsel was discussed. During last month's Washington Public Ports Association (WPPA) Small Ports seminar in Leavenworth the Commissioners spoke with personnel from Chmelik Sitkin & Davis (CS&D), a legal firm out of Bellingham who represent several Kitsap Ports. A letter dated November 9, 2021 from CS&D was received. They are hoping to be considered to act as general counsel for the Port. Phil explained that the Port of Bremerton uses CS&D as general counsel, but they have attorney Anne

Montgomery, whose is located in Silverdale, as local counsel. Phil said that CS&D has produced a lot of good things for Ports over the years with the WPPA and he thought having CS&D and attorney Montgomery as local counsel is a good combination. Phil has a call into attorney Montgomery, but hasn't yet received a reply. Commissioner Scholfield agreed that having someone local is a good idea as it would take four hours of billable time just to get someone from CS&D to the Port office. Phil said that Ken Bagwell is another local attorney that works for the Port of Illahee and the Central Kitsap Fire and Rescue (CKF&R), so has that experience with local government. And then there is Ron Templeton, who represents Kitsap Transit. Phil said that a Request for Proposal could be generated and sent out looking for someone to serve as associate counsel with CS&D to the Port. Commissioner Reese asked that Phil continue his efforts with reaching out to attorney Montgomery.

5.10. Bonfire prior to Christmas Tree lighting is scheduled between 2:00PM and 4:00PM on Saturday, November 27th. Carla Larson asked Commissioner Scholfield to have a hot fire going by 2:00PM as that is when the tractor rides will be bringing the public around the Old Town area. She explained that it has been decided to have the bonfire located closer to the Port office on the driveway entrance to the building. Ms. Larson explained that it is County property and shouldn't be a problem. A \$500 check made out to the Kitsap Enrichment League was included within tonight's Voucher Approval.

5.11. Derelicts in Dyes Inlet – several derelict vessels have been pushed out of Sinclair Inlet and have since anchored in Dyes Inlet. Port Resolution 98-2 was reviewed as it was thought it may need to be updated. Phil suggested the RCW referred to within the Resolution be checked against the Resolution as the law may have changed since that time. Commissioner Scholfield said that in the past the Port has focused more on if a boater owes the Port \$200 or more in unpaid moorage fees, the boat will be chained, but this Resolution clearly states within Item 1 that vessels failing to pay posted moorage fees for a period of five (5) days or more, are subject to seizure by Port personnel through use of chains, ropes, and locks, and/or removal from the water to a secured storage facility. Currently, there is a sailboat (WN284FG) beached on Port property west of the boat launch. The registered owner, according to the Department of Licensing (DOL), was contacted and he informed the Port that he sold the boat a couple of months ago and reported it as sold to the DOL. He provided the name and phone number to the individual who purchased the boat. Commissioner Scholfield explained that since the boat is not moored at the Port's facility it is a different process and the new owner has been in contact with the DNR and will hopefully be able to turn the vessel over to them. Commissioner Scholfield reported that a 38' black and white motor boat sank in Dyes Inlet recently, leaving a 300-foot wide ½ mile deep sheen of diesel fuel on the water. Commissioner Scholfield reported it to the National Response Center. The Department of Ecology (ECY) was quickly involved and Commissioner Scholfield met with personnel of the United States Coast Guard (USCG) later in

the day, informing them of everything known about the vessel. There is also a beached boat across the street from Spiros.

Commissioner Reese explained that he received a call from Katharine Shaffer of Kitsap County Commissioner Ed Wolfe's office asking for the information for the DNR's Derelict Removal Program. Commissioner Reese believes the County is going to be working with the DNR to remove that boat down across from Spiros. Commissioner Scholfield said that he found out that the Port of Bremerton sold that boat back in April.

5.12. Port Rules and Regulations – nothing to report.

5.13. 2022 Budget – *It was agreed to approve Resolution 2021-05 Adoption of the 2022 Final Budget and Resolution 2021-06 2022 Levy Limit Increase* (motion by Scholfield; second by Kitchens; unanimous).

6. NEW BUSINESS

6.1. 2022 Edition of the Boater's Guide *It was agreed to pay Bri Communications \$1,560 for advertisement in the 2022 Boaters Guide* (motion by Scholfield; second by Kitchens; unanimous).

6.2. State Auditor – an email dated November 3, 2021 from the Washington State Auditor was received. The Ports 2019-2020 Risk Assessment Audit will be taking place. Due to COVID19 the audit will be completed electronically. Commissioner Reese plans to attend the initial meeting via Zoom on November 23rd.

7. SAFETY/SECURITY

7.1. Complaint – the man who came into the Port office last month and complained about a security guard telling him to leave Port property because he was playing his music loudly and

then being told it was private property, has been back in contact with the Port office multiple times. Emails have been sent to the Commissioners after each contact and were outlined within the latest email dated November 8, 2021. His last voice message to the Port was on November 10th and he stated that the Port is doing great and that Jason, Safe Security officer, is staying out of the Port area during the day, which is good and that his finger is no longer hovering over the send button and that he plans to move on.

8. PUBLIC INPUT

Greg Jacobs said that earlier in the meeting the 85-page County's Geotechnical Engineering Report was available electronically and he would like to see it. Phil offered to email Mr. Jacobs the report and it will also be added to the Port's website. Mr. Jacobs questioned which AAA proposal was agreed upon. He was informed that it was the proposal to relocate the marina. Nothing has been received from AAA about the new gangway and non-motorized float. Mr. Jacobs said that he was sure it was all contingent upon the relocation of the floating moorage facility. Mr. Jacobs asked if the Port may be eligible to receive any funding from the new Federal Government Infrastructure Bill. Commissioner Reese said that it was his understanding that the money was more directed at highways, railroad and commercial Ports. Mr. Jacobs said that he doesn't know the limitations of the Bill but it might be beneficial to look into it further just in case. He told everyone that he has three weather stations located in different areas on the east side of Dyes Inlet. The recent tornado warning, that apparently was a mistake, made Mr. Jacobs question if the Port has any protocol for emergencies such as a vessel being adrift with possible people in

danger on it. Commissioner Scholfield said that type of incident should immediately be reported to the Sheriff's department 9-1-1. They have the ability and knowledge to report to the appropriate agencies 24/7. He explained that if it is not endangering Port property, the Port typically won't get involved and if the Port was told of individuals in danger the call would be placed into 9-1-1. Mr. Jacobs said that he was unaware of the black and white motorboat that sank. Commissioner Scholfield said that the Kitsap County Parks Department cleaned up all of the debris.

Mr. Bouck thanked the Commissioners for paying for the continued maintenance of the chase boat motors.

Former Port Commissioner Henry Aus said that he just like to attend the meetings to keep track on how things are going with the Port.

9. EXECUTIVE SESSION

At 7:06PM it was announced that the meeting would be going into Executive Session for approximately twenty minutes to discuss possible litigation and real property.

At 7:58PM the meeting returned to Regular Session. It went on well past the anticipated twenty minutes. There was no one that had attended the meeting that was waiting to rejoin and no one had asked to be left in the Zoom meeting room to reenter the meeting either.

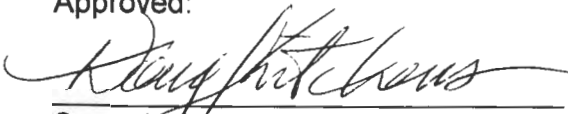
Phil was authorized to proceed with the property negotiation as discussed within Executive Session (Motion by Scholfield; second by Kitchens; unanimous).

The Commissioners were busy signing documents.

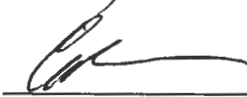
10. ADJOURN

At 8:10PM the meeting adjourned (motion by Scholfield; second by Kitchens; 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

\$90,825.36 and from the General Fund, this 18th day of November, 2021.

Theresa Haaland
Auditor

Paula Hitchcock
Port Commissioner

Phil Best
Port Commissioner

Phil Best
Port Commissioner

Number	Name	Amount
12880	CALEB A. REESE	\$942.68
12881	DOUGLAS G. KITCHENS	\$663.68
12882	ED SCHOLFIELD	\$948.89
12883	THERESA R. HAALAND	\$3,850.00
12884	LOWE'S	\$41.04
12885	WAVE BROADBAND.	\$112.75
12886	CASCADE NATURAL GAS	\$70.24
12887	CRYSTAL SPRINGS	\$10.88
12888	KITSAP COUNTY PUBLIC WORKS	\$500.04
12889	PUGET SOUND ENERGY	\$491.48
12890	VERIZON WIRELESS	\$60.86
12891	WASTE MANAGEMENT - BREM AIR DISPOSAL	\$172.44
12892	WAVE BROADBAND	\$172.22
12893	VISA	\$3,047.53
12894	KITSAP ENRICHMENT LEAGUE	\$500.00
12895	SILVERDALE CHAMBER OF COMMERCE	\$250.00
12896	WPPA	\$300.00
12897	HIS HANDS LAWN CARE & SERVICES	\$1,036.05
12898	KEN STORM	\$580.00
12899	TERI ORR	\$200.00
12900	SAFE SECURITY	\$3,253.00
12901	SIMONS FAMILY LIMITED PARTNERSHIP	\$3,546.88
12902	ART ANDERSON ASSOCIATES, INC.	\$7,036.00
12903	ESHERICK HOMSEY DODGE AND DAVIS	\$48,984.38
12904	TIKAR SERVICE, LLC	\$9,835.18
12905	CALEB REESE -	\$189.38
12906	DOUG KITCHENS -	\$237.00
12907	ED SCHOLFIELD -	\$308.68
12908	PHIL BEST, ATTORNEY	\$2,475.00