

Port of Silverdale
Minutes of Regular Meeting
June 16, 2022

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 Doug Kitchens; Commissioner Ed Scholfield; Administrator, Theresa Haaland; Attorney Phil Best; Tim Schermetzler of Chmelik Sitkin & Davis; Marvel Hunt; Carla Larson; and Tim Knapp of TIKAR Services arrived at 6:22PM. Those attending via ZOOM were: John Bouck and Greg Jacobs of Kitsap Sailing Foundation (KSF); and Hank Anderson.

2. PLEDGE OF ALLEGIANCE was recited.

3. CONSENT AGENDA

It was agreed to approve the following Consent Agenda items: June Meeting Agenda; April 25, 2022 Kitsap All Ports Meeting minutes; May 19, 2022 Regular Meeting minutes; Authorization for Electronic Transfer of Payroll Taxes #2022-06 to the U.S. Treasury in the amount of \$2,884.98; and the June 16, 2022 Voucher Approval for checks numbering 13070 through 13094 totaling \$91,789.32 which is attached to these minutes (motion by Kitchens; second by Scholfield; unanimous).

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

5. UNFINISHED BUSINESS

5.1. Waterfront Center Predesign Project/Pump Station #3 – EHDD/Patano – Commissioner Reese explained that EHDD would like to

make the thirty percent design presentation to the Port Commissioners at a Special Meeting sometime during the last week of July.

Commissioners Kitchens and Scholfield had other commitments that week. They plan to provide Port staff with the dates they are available so that a meeting can be planned.

EHDD provided a progress report from May 1st through May 31, 2022. Commissioner Reese read the report:

The team continues to move the 30% design forward with the engineering team. We just had a team print and review in which the team can comment and coordinate on needed design and engineering efforts. For the month of June will we continue coordination efforts and reach out to Kitsap County Department of Community and Development (DCD) and present the project to them. We have had a lot of success on past projects engaging the local Authority Having Jurisdiction (AHJ) early in the design process and get them engaged so that when they see it for permitting we will have worked through a few things and they are familiar with the project and there are no surprises. The architecture team met with a Land Use Planner with Kitsap County on May 18th to primarily discuss the demolition of the Old Town Pub and present the general idea of the Waterfront Center. Other topics of discussion were setbacks, building heights, parking and confirming that the project falls outside the flood plain. The overall idea was favorably received and notes from the meeting are being folded into the design. The team submitted a number of questions to be taken under consideration by the commissioners at the May 19th Port of Silverdale Commissioners meeting. We received the commissioner's comments on May 25th and distributed them to the engineering team. We continue to meet with the Kitsap County Pump Station 3 project manager and pump station design team. Their focus of late has been the Pump Station 4. We're still waiting to see updated designs for Pump Station 3.

Commissioner Reese said that the idea of having a full-sized restaurant on the ground floor of the building wasn't part of the original

concept. It would require that two of the smaller spaces be combined. It was agreed that a commercial kitchen space wasn't part of the original plan and that the smaller individual spaces could house a deli or a sandwich shop, not requiring a full-blown commercial kitchen. The upstairs will provide a warming kitchen to allow catering of events. There will be no cooking of greasy foods, but rather an area for preparing food and keeping things warm and/or cold. Commissioner Reese plans to inform EHDD and provide them with some measurements of the area.

5.2. County's Pump Station #3 Project –

Commissioner Reese explained that there hasn't been much discussion with the County on the pump station move because they are currently focused on Pump Station 4 as it needs to be upgraded prior to Pump Station 3. Once completed, the attention will be on the Pump Station 3 move/upgrade.

5.3. Grants/Projects

a. Non-motorized float – Commissioner Reese reported that Art Anderson Associates (AAA) is working on the sixty-percent design and it should be ready by the end of this month.

Commissioner Reese reported that he updated the Recreational Conservation Office's (RCO) PRISM system with the progress report for the Boating Facilities Program (BFP) grant and that billings for both the BFP grant and the Aquatic Lands Enhancement Account (ALEA) grant have also been submitted.

b. Marina relocation – Commissioner Reese reported that AAA is also working on the sixty-percent design for the Marina relocation, which is also supposed to be completed by the end of this month.

c. Outer-water boundary expansion – Steve Ottmar with AES Consultants is working on the triangular piece of land under the pier.

d. Dredge – Phil reported that he has been working on the Appellate Response Brief, where he explains that the Port is no longer planning to dredge under the moorage facility.

Commissioner Reese explained that according to Amy Leitman of Marine Surveys and Assessments (MSA) the rubble to be removed in the upper intertidal areas for mitigation will provide the Port with enough mitigation credits, so that buying the credits will not be necessary.

5.4. County's Bayshore/Washington/Byron project – Commissioner Schofield reported that the electrical company is about half way done with installing the lamps for the project. He plans to talk to Jack Campbell of Ceccanti about removing the fencing on Port property as the paving is to begin on Wednesday of next week.

5.5. Programs

a. Sailing – the KSF Report dated June 2022 submitted by John Bouck was read:

Events

- Safety boat training program for our summer instructors and other local area instructors will be held this Friday from 10-2.

Spring season:

- Open sailing wrapped up this last week. Despite the generally rainy weather, we had remarkably good sailing conditions on the days we were on the water.

Summer Program

- Youth and teen sailing camps continue to accept registrations. They run from June 16 to July 29.

Registration can be accessed through our website

www.kitsapsailing.org

- Adult sailing lessons start June 22.
- Community sailing is on Monday and Tuesday evenings starting June 27.
- KSF has been awarded a national grant to provide additional STEM activities and expertise during summer programs. This allows for more activity, scholarships, and support during the summer programs.

Fleet ● Damage to blue safety boat hydraulics was fixed by Aquatech. Cost to KSF was 1800.

- Outstanding Laser sailboat, new red, to be (re)donated to port. Paperwork coming shortly.

Facilities ● The yard is becoming unmanageable and a proposed plan to shift the fencing is attached. This is based on the following restrictions / ideas

- Parking for salons remains both behind and adjacent to the salons
- Paved area remains free for wash-down or other port uses
- Public boat storage is made smaller and shifted to the other side of the gravel lot. Can now also be arranged so boat storage access is separate from sailing/powerboat access.
- Currently, powerboat access requires blocking of the street - this is re-arranged to allow drive through trailer storage.
- Separation between rowing access for powerboats and sail boat access is removed.
- Storage for sailboat is larger.

○ Storage of sailboats, especially on dollies, can be closer to water allowing a shorter distance to transfer.

- Shed. One of the challenges for sailing is the large amount of gear that should be stored out of the weather. The current shed is full of sails and we have a growing amount of material that is stored in plastic bins outside the shed, under tarps, and some summer items are stored offsite in basements to prevent weathering. A second and larger shed is part of the yard revamping - this is anticipated to be 10x20 and is shown on the plan.

a. Rowing – the Clam Island Rowing (CIR) Report dated June 2022 submitted by Donna Moore was read:

This is a fun and busy time for CIR and we appreciate the Port's continued help especially with the Whaler.

We are thankful for your many layers of support for our program.

The sewage spill put a damper on the on training programs so boats were moved to Keyport for two weeks for the juniors and masters use.

- MASTERS:

CIR currently has 20 adult members in the Masters rowing program.

- 7 people have completed the Learn to Row program courses so far in 2022, with 8 more people registered for June Learn to Row programs.

- CIR Masters Sweep Summer program started June 1 and will continue through the end of August.

JUNIORS

- CIR had 13 Junior rowers complete the spring Junior program and several of those competed in 2 separate regattas as part of that program.

Junior rower, Stephen Saylor has been selected to attend US Rowing Olympic Development Camp in Chattanooga, Tenn. This is a month-long camp that puts rowers on a course to row in top-rated colleges, row on the National team and even the Olympics. WE ARE VERY EXCITED!

Two other juniors, Griffen Nethercott and Abby Holland, will be attending a summer rowing camp in Oregon for a week.

-There are three, 1 week junior rowing camps planned for July 2022.

NATIONAL LEARN TO ROW DAY June 4th brought a modest number of people to our booth but the weather was not conducive to on water activities.

SAFETY REVIEW was done, will have a safety day on the water in July, new safety board member Kim Trask, former coast guard member who has wonderful experience and expertise and is helping us on the water in good shape.

Commissioner Reese reported that there is still no agreement in place for CIR members to store personally owned equipment within the fenced boatyard area. Commissioner Scholfield said that it looks like the fence for the boatyard area has been pushed out about five feet and Ceccanti has had an issue with it. Commissioner Scholfield asked Commissioner

Reese to look at it.

c. Non-motorized boat storage area - Commissioner Reese explained that he has been working with Mr. Bouck about rearranging the boat storage area. Mr. Bouck had provided a sketch design labeled version #6. It was reviewed. Commissioner Reese plans to inform the tenants of 3475 and 3481 Byron Street about the new layout as it will have a change to their parking. Commissioner Reese asked if anyone from CIR had any objection to the change. Mr. Bouck said that he had mentioned it to Bridget Burke of CIR and didn't hear anything back from her regarding it. It is thought CIR is onboard with it as it is sure to make it easier to move the chase boats in and out of the fenced area. Mr. Bouck explained that currently some of the sailboats are not behind the fencing, so he estimates the need of an additional ten panels. That will allow for everything to be behind the fence and it is sure to clean up the area. Commissioner Reese said that he didn't realize that much additional fencing would be needed. Mr. Bouck said that it's just an estimate and he can probably rearrange it so that not so many panels are needed, if need be. It was noted that there are currently about six to eight panels being used to secure the derelict boat (Straight Shooter WN3089B) in the Port's vehicle/trailer lot. It is hoped that those panels will be available for use in the near future. Commissioner Reese said that when he was out in the boat storage area recently, he happened to run into Sandra Bochonok, who has a kayak in the public boat storage area. Ms. Bochonok offered to help when things get moved around. Commissioner Kitchens said that it looks like Commissioner Reese has done a lot of work on this, so whatever he thinks for the new design should

be appropriate. Commissioner Reese gave credit to Mr. Bouck for doing the majority of the work. Thanks to both! They plan to continue to meet and discuss the details and make arrangements to implement the design.

5.6. Facilities

a. Restroom overhaul - Commissioner Scholfield asked if the Request or Qualifications (RFQ) is basically just for painting. He said that it's been labeled as "Restrooms overhaul" so he questioned all that is expected to be completed. It was agreed that the RFQ should just include the internal painting of the restrooms and that TIKAR will be tasked with installing the new dispensers, etc. Commissioner Scholfield said that he will prepare the RFQ.

b. Leveling docks – Tim reported that the project is staged and ready to go.

c. Electrical upgrade near vehicle parking lot – there was not a response to the three RFQ's (Bainbridge Island Electric; MD Marine Electric; NW Electrical Solutions) that were emailed. A week after the May 27th deadline had passed, a well-known electric company, Bronco Electric, was contacted and they agreed they could do the job and were provided Commissioner Scholfield's phone number. Commissioner Scholfield reported that he hasn't received a call from Bronco Electric, but said that he will plan to contact them. Carla Larson questioned if the electrical was going to be completed by Whaling Days at the end of July. Commissioner Scholfield said he didn't know. Commissioner Reese added that if the Port can't get a contractor to respond, it's doubtful it will be completed by then.

d. Electrical and water on finger piers – Commissioner Scholfield reported that the water is on at the finger piers and two-thirds of the electrical is working.

e. Showers – Commissioner Scholfield said that he will try to get the fiber pulled this weekend and get the timers working again.

5.7. Port Properties

a. Painting of Port-owned buildings along Byron Street has begun. It had been questioned if the correct paint was being used because it looks more of a tan shade rather than the grey that is currently on the buildings. It was verified that indeed the paint being used is the "Amazing Gray" as outlined within the spec sheet.

5.8. Redistricting – Phil provided an outline of the redistricting process and the dates of everything that needs to take place. Commissioner Reese read the outline:

Step	Date	Action
1	7/11/2022	Send notice (below) to papers (Kitsap Sun and CK Reporter) and to known interest groups/persons (CKCC, and email list) that the redistricting draft plan is published on the Port's website and comments are due within 10 days of the notice and before the plan is considered for amendment or adoption
2	7/20/2022	Public written comments due on draft plan
3	7/21/2022	Port regular meeting - consider public comments to the published draft plan and amend the draft plan as necessary.
4	7/28/2022	If draft plan is amended - Resubmit (republish) the amended plan for additional

		public comment at least one week before adopting the plan
5	8/18/2022	Adopt final redistricting plan at regular meeting

5. 9. Strategic Planning of the Port

Organization – Commissioner Scholfield has posted the Administrative Assistant job description and application on the Port’s website. The Port did have an individual email her resume to the Port. An application was emailed back to her and she was asked to return it to the Port once completed. There has yet to be a response. Thanks to Julie Jablonski for sharing the link on several Facebook sites. Commissioner Reese was following the Facebook post that Ms. Jablonski had created and saw that an individual mentioned that the job application wasn’t working. For the initial few days it was not working, but Commissioner Scholfield had since fixed it. Commissioner Reese responded to the individual explaining there had been an issue, but it has since been resolved. Unfortunately, the Port office hasn’t received any applications. It was thought it may need to be placed on Indeed.com an employment website for job listings.

5.10. Derelicts in Dyes Inlet – three of the four vessels have been destroyed and disposed of with the fourth vessel being held due to litigation. Marvel Hunt asked how long the eyesore is going to remain in the Port’s parking lot. Commissioner Reese said until the litigation is complete, which is unknown at this time.

6. NEW BUSINESS

6.1. Whaling Days the 2022 Sheriff letter was reviewed. Commissioner Reese plans to sign

it and a copy will be sent to Whaling Days representatives.

6.2. Port attorney Commissioner Reese introduced Tim Schermetzler of Chmelik Sitkin and Davis. Mr. Schermetzler thanked Commissioner Reese for walking the Port properties with him prior to tonight’s meeting. He said it was nice to have a face-to-face opportunity to meet the Commissioners. Mr. Schermetzler provided a list of attorneys working at the Chmelik Sitkin and Davis firm. He explained that each attorney has their specialty and so whatever work is needed determines which attorney would be assigned to it. Primarily Chmelik Sitkin and Davis’ clientele are Ports, but they also work with Fire Districts, some small cities and Public Utility Districts. Mr. Schermetzler explained that he and Peter Ruffatto have been assigned to the Port of Silverdale, so they are the point-of-contact for the Port. Mr. Schermetzler said that he specializes in leases, land use and permitting issues. Mr. Ruffatto’s experience is more aimed at employment law and general municipal matters. Holly Stafford, another attorney at the firm, specializes in environmental matters. The thought is that when assigning the attorney that has the experience for a particular issue it saves time and money. Mr. Schermetzler said that it was good to meet Phil Best, who was the Port’s attorney for many years and continues to work on a few final matters. Mr. Schermetzler said that he plans to talk more with Phil about the transition. Port staff had been tasked with preparing a resolution listing Chmelik Sitkin and Davis as the Port’s Agent to Receive Claims. Mr. Schermetzler explained that this is not something the firm normally does, although it is a legal requirement the Agent could be anyone including the Port’s Administrator. Mr. Schermetzler said that he would be happy to attend meetings periodically through video conferencing, but he would also be happy to come down to a meeting, if needed. Chmelik

Sitkin and Davis represent several Ports within Kitsap County and it might make sense to visit one of those Ports while in the area. It's a way to stay efficient even though the firm is based out of Bellingham.

Phil said that he will share the Ports files with Mr. Schermetzler. Commissioner Reese said that Phil has been tasked with finishing up several items, but told Phil if he is not able to finish them, they can always be passed to Mr. Schermetzler.

7. SAFETY/SECURITY – Commissioner Reese reported that there was an incident with Brett Dawson yesterday. A Safe Security guard was on a lunch break down at the boat launch area, when Mr. Dawson approached the guard and asked if the guard was going to ask him to turn down his music. The guard said that he wasn't because it didn't sound that loud. Commissioner Reese explained that in the past Mr. Dawson has complained that the Port is infringing on his constitutional rights because he is asked to leave the Port property at sunset, the time the area closes.

The Port also received an email dated June 16, 2022 from William Olson alerting the Port that he saw "a jolly roger of piracy" at the Port and asked for a reward for turning in a pirate boat.

8. PUBLIC INPUT

Mr. Bouck asked about the Whaling Days road closures. Ms. Larson said she will make contact with Mr. Bouck prior to the event. She said that she also has Ms. Burke's contact information.

Hank Anderson said that he didn't see tonight's agenda on the website and noticed that the June 2021 agenda also wasn't on the site. Port staff took responsibility for the oversight.

Greg Jacobs explained that his wife is a CIR member and the safety officer for the program. If the Commissioners ever have a question, she could be contacted. Although, she is

unaware of the status of the agreement and/or the fence being moved out five or so feet. Commissioner Reese said that Ms. Burke is well aware of the needed agreement.

Mr. Jacobs asked if the design for the County's pump station #3 has been postponed. Commissioner Reese said that the County is currently concentrating on pump station #4 at this time as it needs to be upgraded prior to pump station #3. The design of pump station #3 is on hold. Mr. Jacobs said that it makes it hard for the Port to move forward. It was agreed.

9. EXECUTIVE SESSION – At 6:43PM it was announced that the meeting was entering Executive Session for approximately thirty minutes to discuss potential litigation under RCW 42.30.221(1)(i).

At 7:03PM the meeting returned to Regular Session.

No one was waiting to re-enter the meeting.

Commissioner Scholfield explained that the County owns an old gravel pit along Tracyton Boulevard between Barker Creek and Joels Court. They can't do anything with the land and in talking with Chuck Smiley who works with the County, it was brought up that the County might be willing to work with the Port to purchase the property. Commissioner Scholfield said that it might benefit the Port to own the land for future mitigation needs. Commissioner Reese explained that Phil is working on the Interlocal Agreement (ILA) between the Port and the County regarding pump station #3 being built on Port land. He said that the Port may want to approach the County about exchanging the Port land where the new pumpstation is set to be constructed upon with the County land where it currently sits. Commissioner Scholfield cautioned that the Port wouldn't want to be responsible for that piece of land because there could be possible future problems with it due to what is

underneath it. Commissioner Kitchens questioned what might be under the gravel on the land off of Tracyton Boulevard. Commissioner Scholfield said that the gravel came from Tracyton Boulevard and currently many trees are starting to regrow and many blackberry bushes. Commissioner Kitchens questioned if there are any laws that would keep the County responsible if contamination issues came up later, if the Port were to own the property. Mr. Schermetzler doubted that the land would currently be listed as a hazardous waste site, but there are a lot of properties that are contaminated and there are a lot of things that can be done from a design, engineering, construction standpoint. He said that if the land off Tracyton Boulevard were to be used as a land swap, the Port would want to make sure the contract is worded to ensure the Port isn't responsible for any future cleanup. The Port would just want to make sure it isn't taking on a potential future liability. Commissioner Scholfield explained that he thought it might be a good idea because it would provide property that the Port can use for future mitigation. Commissioner Reese said that they need to figure out what the Port wants in exchange for the County moving the pump station onto Port land. Mr. Schermetzler advised that if the Port swaps any land from the County to make sure the contract clearly outlines that the County remains responsible for any cleanup costs due to anything that happened while the County owned the property and include any contamination that may have leaked onto Port property. Mr. Schermetzler said that he would be happy to review the agreements related to those transactions. Commissioner Scholfield said that he was just throwing it out there for discussion. It was brought to his attention that the County may be willing to work with the Port to transfer ownership of the land off of Tracyton Boulevard and he thought it may be a good opportunity for the Port to own land that could be used for future mitigation. Commissioner Reese said

that if the Port were to own it, then the Port would be responsible to maintain it. Commissioner Scholfield explained that it has never been maintained. Commissioner Kitchens added that it is because the County owned it. Commissioner Reese questioned what the Port would do if RV's started parking on the site. Commissioner Scholfield said that there are currently ecology blocks in place, making it impossible for vehicles to access the property. There was further discussion about the area where the land is located. Commissioner Reese said that the Port hasn't officially been contacted by the County about such a transaction, so doesn't see that a response would be necessary.

Commissioner Scholfield asked Mr. Schermetzler about liability issues if the Port were to rent property to the County. Mr. Schermetzler explained that liability would be worked out within the ILA.

Commissioner Scholfield asked about Port tenants that have employees. If one of their employees were to be injured during work at a Port-owned building and were denied Labor & Industries (L&I) insurance, could the Port become liable. Mr. Schermetzler said that yes potentially they could and explained that the leases he uses include an indemnification clause that covers such issues. Commissioner Kitchens explained that the Kitsap Commercial Investment Brokers (KCIB) is a resource he has available that can provide blank leases for the Port to use and it includes a liability indemnification that covers the Port if a person were to get injured on the property. It was questioned if it includes wording protecting the Port if an employee were to be injured. Mr. Schermetzler explained that his office has a basic form lease that he can provide to the Port. Commissioner Kitchens told Mr. Schermetzler that there has been some conjecture about whether or not the Port should or could have multi-year leases. Mr. Schermetzler replied that it's basically a

business decision the Commissioners would have to make. It all depends on how the Commissioners want to run the Port-owned properties and what makes sense for the community.


10. ADJOURN

At 7:35PM the meeting adjourned (motion by Scholfield; second by Kitchens; unanimous).

Approved:



Commissioner



Commissioner



Commissioner

