

**PORT OF ALLYN  
Regular Meeting  
December 3, 2018  
MINUTES**

Meeting was called to order at 6 p.m. with the Flag Salute

Present were Commissioners Judy Scott (Chair); Scott Cooper and Ted Jackson. Staff present were LeAnn Dennis, Operations Manager; Lary Coppola, Executive Director; Travis Merrill, Security Officer. Public present were Ken VanBuskirk and Dana Kampa from the *Shelton Journal*.

**CONSENT ITEMS**

All matters listed under Consent Items have been distributed to each member of the Commissioner for reading.

- a. Minutes of Regular Meeting November 5, 2018

Commissioner JACKSON made a MOTION to accept Consent item. Commissioner COOPER SECONDED. MOTION CARRIED.

**ACTION**

- a. Payment of GF Vouchers #18201001 to 18201025 for \$9,787.96
- b. Payment of Payroll Vouchers #18203003 to 18203012 for \$14,827.53
- c. Payment of Water Fund Vouchers #18202001 to 18202002 for \$64.72

Commissioner COOPER made a MOTION to accept Action items a, b, & c SECONDED by Commissioner JACKSON. MOTION CARRIED.

**COMMISSIONER REPORT**

**Commissioner Ted Jackson** reported that the Oyster House fundraiser was informative. He also mentioned that reported he spoke with Bob Pastour (Port of Grapeview), and criminalization rules are on the radar for most ports and will be discussed during the All Ports meeting scheduled for January 17.

**Commissioner Scott Cooper** attended the Port's Regular Meeting and the Economic Development Council Meeting.

**Commissioner Judy Scott** met with Mike Ross about the Oyster House and attended the Oyster House Fundraiser. She also attended the PRTPO meeting and NMCV where County Commissioner Randy Neatherlin reported about the proposed roundabout on Highway 3, a proposed needle clean up, and the county budget. She also helped re-do the Tyvek on the Oyster House so it is secure for the winter.

**SECURITY REPORT**

Security Officer Travis Merrill reported there is a new moorage customer at the North Shore Dock. He also had to kick out people from the bathroom 3 times this month. Someone drove off fast through the park when he approached. Commissioner Jackson suggested a trespass form that Mr. Merrill can give to the unwanted person and it can be turned into the Sheriff's Office, which has a database. Commissioner Jackson will provide a template.

## **EXECUTIVE DIRECTOR REPORT**

\*SEE ATTACHED

### **NEW BUSINESS**

#### **Election of Officers**

Commissioner Jackson discussed the fact that he has some work conflicts and would rather be Vice Chair. Commissioner SCOTT made a MOTION to nominate Commissioner COOPER as 2019 Chair, Commissioner Jackson as Vice Chair and Commissioner Scott as secretary.

#### **Property Acquisition Discussion**

Commissioner Cooper asked about the difference between residential and commercial appraisals for the proposed property acquisition. He would like to follow up and get an appraisal. It would be a valuable addition to the park. Commissioner JACKSON made a MOTION to accept Shafer Standeart Hernandez Appraisal's proposal. Commissioner COOPER SECONDED. MOTION CARRIED.

#### **Voicemail Discussion**

Commissioner Scott reported that she only got one voicemail in three years and Commissioner Cooper had two. The Executive Director suggested consolidating the voicemail to one commissioner voicemail for the office to deal with.

#### **Attorney Discussion**

Commissioner Scott likes the idea of using a local attorney for minor issues for \$275 per hour and then Foster Pepper for more complex issues. They discussed the bios of the attorneys Broughton and Templeton. Templeton represents some of the small ports in Kitsap County and they have experience with government agencies. The Board agreed to use them.

#### **WPPA Trustee**

Commissioner Cooper agreed to be WPPA Trustee.

### **OLD BUSINESS**

#### **Oyster House**

Lobbyist Trevor Justin would like to get together about the Oyster House project. Commissioner Scott thinks the estimate from Art Anderson, can be reduced by the launch ramp removal that that volunteers can do a lot of it. There was some discussion about the Historical Society using their grant for the interior work, and Commissioner Scott talked about the granddaughters of the Sargent Family.

Commissioner Cooper asked about the dock (pilings) for Oyster House. The board reviewed and discussed items in the Oyster House estimate. The Lobbyists needed this to get going with their legislative funding work. It's understood that the items in the estimate are not hard numbers, and don't include Bill Rehe's help, volunteers, and moving the building.

Commissioner Jackson asked about permits, get them going, and if Bill Rehe has already started some. It was noted that some mitigation work is already done.

### **PUBLIC COMMENT**

Ken Van Buskirk discussed Sweetwater Park. He suggested the Board take a look at the property before the Port takes it over, noting there are homeless people, chainsaws and stripping trees of boughs. The School District is working on legal way to get rid of the homeless folks, but it's the responsibility of the private owner and needs to be taken care of it. He noted that cedar boughs gone – and he's not sure about cedar trees.

Commissioner Jackson discussed having an all ports meeting is in order. Staff will work on putting one together for the first part of the year. Commissioner Scott asked about the IDD for the Port of Grapeview that Bob Pastour is working on.

The board thanked Dana Kampa for her good work reporting on the Port.

Operations Manager LeAnn Dennis reported she just sent the first email blast for the Port of Allyn.

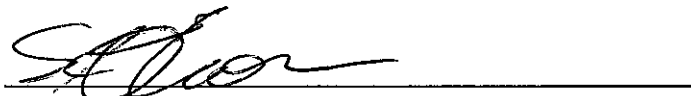
Meeting Adjourned at 7:03 p.m..

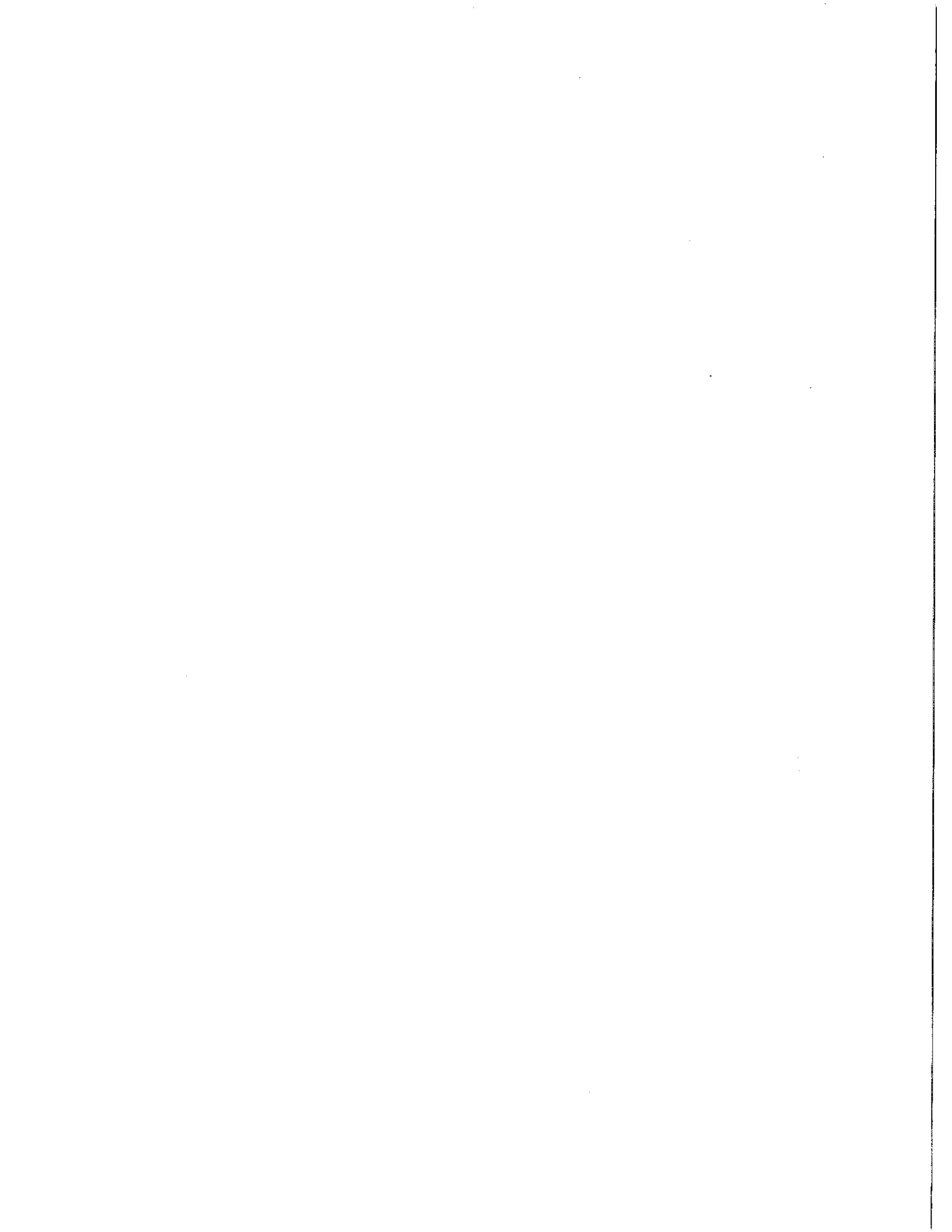
Respectfully Submitted,



LeAnn Dennis, Operations Manager

COMMISSIONERS:

  
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Judy Scott, Chair  
\_\_\_\_\_  
Scott Cooper, Vice Chair  
\_\_\_\_\_  
Ted Jackson, Commissioner



**Port of Allyn  
Executive Director's Report  
December 3, 2018**

**Report Items:**

**Water System Issues:** We had received a letter from the state prior to my employment at the Port that was never responded to, concerning our water right. I asked NWWWS to look into this and respond to the letter, which they did. We received an acknowledgement from the state and everything is in order for the foreseeable future.

**Yerac Community Utilities Proposal:** We received a proposal from Yerac Community Utilities to purchase water from our system, since as a Class B water system, they are only allowed to draw 5,000 gallons a day from the same aquifer as we have the water right to. I sent their proposal to Joe Brogan to be vetted. I got an email from him saying he recommended against us doing the sewer billing Mr. Carey proposed, and he wanted to talk to Jeff Carey to clarify exactly what he was looking for and come to an understanding about what an agreement to sell water would encompass. I spoke with Joe late Friday, as he had been out of the country, and then hadn't connected with Jeff Carey until just minutes before our phone call.

He will put something together for our review and have it to me sometime next week.

**Property Purchase:** As reported previously, State law requires that we pay fair market value, which would be determined by a licensed appraiser. We had engaged a local residential appraiser, who after researching the property reported back to me that he is not licensed to appraise it, because it is zoned Village Commercial, not residential – although it's assessed for tax purposes as residential. I checked with a number of commercial appraisers, and got a proposal for \$3,600 from SH&H Appraisers in Tacoma, and one from Schafer, Sinnett and Hernandez in Silverdale for \$3,000.

In the interest of full disclosure, I've personally used Shafer, Sinnett and Hernandez twice – once to appraise my commercial property in Port Orchard for a refinance. And again when it was taken through Eminent Domain by the City, after I contested the valuation by the WSDOT's appraiser. I was happy with their work both times.

Either way, I wanted to see what you all thought before making a commitment to spend that kind of money. I have included \$5,000, plus another \$3,500 for the appraisal review in the BFP grant application, but there is no guarantee we will get the grant, which means we'll be out of pocket on the appraisal if we don't.

I'm of the opinion we should buy this property whether we get the grant or not. I've spoken with the owner, who understands we would like to purchase the property, but it isn't going to happen overnight. I explained about the grant funding we were seeking and told her that if that didn't happen, we would be looking at other options.

I did do the technical presentation for the grant earlier this month, and feel it went well. The feedback I got was all positive. The final presentation is due January 4, and I'll have it ready.

**Dock Issues:** I previously reported that we had a small electrical fire on the dock. While there wasn't any major damage, I believed the pump-out vendor was responsible to replace the wiring, even though we could not find any direct evidence that they had charged us for the installation.

There is also some other damage that took place during Allyn Days that needs to be addressed as well – a piece of PVC conduit along the dock was smashed and now has exposed wires, that have been temporarily repaired. Thankfully, it's all low voltage to operate the pump, but it is shut off until this is fixed. I met with the vendor, and he has agreed to bear the cost of that repair – even though he is not directly responsible for it - and will bring the entire installation up to current code.

We also looked at the fire damage as well as what would be necessary to repair the low voltage wiring. After physically tracking down what was what under the dock, and where the various lines go and where they are fed from, I have come to the conclusion the vendor was correct. They are not responsible for the substandard installation that caused the fire damage. Apparently, a former Port maintenance employee did the 110-volt wiring to power the light at the

end of the dock and a couple of receptacles. That was done prior to Don being here. I was under the impression the 110-volt line powered the pump out unit, but that is a separate 220-volt line.

I did get the vendor to also agree to install a lockable 220-volt disconnect on the unit on the dock. Right now, if we need to turn it off, the breaker is in the panel at the head of the dock.

We will have to repair the fire damage and replace all the flexible Liquidtite conduit and wiring. While we're at it, we should upgrade the receptacles on the dock to GFCIs as well. Since this is basically an emergency repair, I have contacted a couple of local electrical contractors to give us a price on doing this. I have also contacted Enduris to see if this might be covered, but it could very well fall within our deductible when it's all said and done.

That said, any time we spend any money for anything to do with the pump-out unit, we get reimbursed by the state Department of Parks and Recreation. We sent in the reimbursement form, requesting \$1,248.86 – which includes administrative time dealing with this issue as well as current operations and maintenance costs. It was approved and electronically deposited in our Holding Account on Friday.

**Totem Pole Issue:** Our totem pole here at is rotting out at the base and needs to be taken down and refurbished. After months of trying to find out which tribe it came from, we came to find out it wasn't a tribal gift at all, as we had been led to believe, but one from George Kenny. Therefore, we are not bound by any tribal issues that prevent us from taking it down and doing what's needed to refurbish it.

Commissioner Cooper has been in contact with someone who can do the actual restoration work, but we will need a boom truck to get it down. I've contact James Kelsey, the artist in Belfair who has one. He will come and do this for us, but says he has to charge us \$180 because that's what it will cost him to do it. I told him I thought that was reasonable. If we were to rent a boom truck, and pay Don to operate it, we'd be in this more than that.

What we need to do now is coordinate this with Mr. Kelsey and the fellow Commissioner Cooper knows to move this forward.

**Parking at the North Shore:** We had previously discussed the potential of widening the space across from the North Shore Boat Launch for trailer parking. Olsen & Associates has surveyed the property and marked the corners. There appeared to be quite a bit of marketable timber on the back of the property that could potentially be logged and generate enough money to pay for the project.

I met with some loggers last week and came to the conclusion that the timber on the back of the property isn't worth harvesting – that it will cost us more to take it out of there than we can sell it for.

We did come up with another idea however, and I have looked into what this will take to do. That would be to harvest the timber on the outside edges of the cleared area on the property, which would widen it enough to park about 15 or 16 trailers and tow vehicles lengthwise. But what we would need to do is put two culverts in the ditch at the road, cover them, and make a new entrance and exit so we had a clear in and out traffic pattern just like we do at the launch. I've found out this is a county road, and they have jurisdiction. I spoke with Randy Neatherlin about it, and he said to get him some information on exactly what we want to do and he'll see if he can help us make it happen. I drew up a sketch – which I have included in your meeting packets, and sent it to him.

I also met with Earl Iddings, and he is willing to take down the trees on the perimeter of the cleared area in exchange for the wood, so we'd have no cost for that.

This is a small project with big benefits for not just the Port, but the community as well in terms easier access to parking, and safety considerations. It should only take a couple of days to do, and I think we should be able to do this for a minimum cost – under \$7,500 - depending on the price of the culverts and permitting. But I'll research the cost and report back next month.

**Commissioner's Voice Mail:** I received a call from Hood Canal Communications telling us that the server our Voice Mail resides on is going to be replaced and our phone system needs to be reprogrammed. Since all of you have mailboxes on the system that have never been used or accessed, they asked if you still want them. I thought what we could do is set up one general mailbox for the Commission, and have the message just say to specify which Commissioner the

caller wants to leave a message for. The system can record the message and email the sound file to LeAnn and/or myself, who could either deal with the issue directly, or email you the sound file. This is on the agenda for discussion and a decision.

**Local Attorney:** When I first started here, the issue of using a local attorney for routine matters instead of Foster Pepper was discussed at length and a decision made to use one in Shelton. That didn't really work out too well, as follow up was problematic – which is why we have the current issue with the Marina Rules.

Recently, I was approached by Bill Broughton, a Silverdale attorney inquiring about our business for a new partnership he has formed with Ron Templeton that will specialize in representing governmental entities. Both are very experienced in governmental law.

Bill is the former City Attorney for the City of Bremerton, and currently works for a number of governmental clients – including junior taxing districts like ours. Ron is the attorney for Kitsap Transit, the Housing Authority, and several other governmental entities, as well as some of the smaller Kitsap Ports. Their rate would be \$275 per hour. We currently pay Foster Pepper \$575.

In the interest of full disclosure, I have used Ron Templeton personally, and he is Wet Apple's primary attorney. He represented Dee and I personally in the Eminent Domain process with the City of Port Orchard. Bill Broughton is also the incoming president of the Kitsap Building Association – of which we are members - and I sit on their board.

So the question is, how would you all feel about using them for routine matters to cut legal costs and Foster Pepper for the bigger, more complex matters? This is on the agenda for discussion and a possible decision as well.

**Calendars:** We have received our 2019 calendars and they have gone like hotcakes. We only have about 25 left, and that's it.

**Steel Door for the Kayak Park:** We had to order this and it came in last week. Don should have it installed shortly.

**3D Building Acquisition:** I reported previously that the 3D Building on Highway 3 that WSDOT used for offices during the widening project is for sale. I inquired about a governmental transfer, as I think this would make an ideal co-working facility, as it's already laid out for something similar. WSDOT said they couldn't do it unless we had some kind of transportation-related use in mind for it. So I have contacted all of our legislators, as I'm sure there is some way to make this happen. Representative Griffey is working on it for us. I'll report back when I have more information.

**WPPA Meeting Schedules:** The Annual Meeting is this week at the Hyatt Regency in Bellevue. The next thing up is the Spring meeting in Spokane, which will take place from May 15 through the 17<sup>th</sup>. The annual Commissioners Seminar will be in July, but WPPA hasn't set the date or booked a hotel yet, but will have it done before year's end.

#### **Old Business:**

**Transient Moorage Expansion Project:** Art Anderson has delivered the design documents and specs that we needed for this to go out to bid. I've contacted MRSC to find out exactly what the process is that I need to follow to get it listed on their site.

As I reported previously, the state Department of Archeology and Historic Preservation (DAHP) forced us to do an Archeological Survey on the area where we are going to be digging the trench for the power and water conduits. Bill Rehe had suggested we have the survey done on the entire park because additional projects – like the Oyster House - will require one as well. This way, we'll already have it done. Like the Programmatic Shorelines Permit that will cover all our facilities for the next five years, this works the same way, and will save us money and time in the long run.

That survey was completed on November 21, and no artifacts were found. I am waiting on the final report documents so I can forward them to the Department of Archeology and Historic Preservation as well as the Squaxin Tribe.

We will also have to do a one-time SEPA report for the old launch ramp removal, so we'll do one that will cover the entire park and all our Allyn facilities as well.

**Sweetwater Park:** Not much to report on this. The property transfer confirmation letter somehow got lost at RCO. When I was down there for the technical review on the property acquisition grant, I mentioned it to Kim Sellers, and said she never received it. So both Dana Rosenbach and myself retraced all our steps, and got new copies of all the paperwork back to Kim. I spoke with Dana last week and she said she had talked to Kim that day, who told her we both should be receiving something on this shortly.

**Oyster House:** We have received the preliminary engineer's estimate for the structural work for the Oyster House. It is a little over \$712,000, and includes the cost of the old launch ramp removal, but doesn't include the cost of moving the building, permitting, and some other costs. I have included this in you meeting packets. We have passed this on to the lobbyists so they can get our legislators up to speed on the project as quickly as possible.

We are also at the end of Mike Ross's agreed upon time of donated work. He is expecting to be paid from this point forward. He is revising his proposed agreement for us, but I have yet to receive a copy, so I have nothing to pass on at this point.

Perhaps Commissioner Scott has some additional information to share...

**Criminalization of Marina Rules:** I said at the last meeting that I would check with Kingston Commissioner Mary McClure about how they are able to write their own tickets. When I did connect with her, she told me she would need to check with their attorney and would brief me at the WPPA Annual Meeting. Commissioner Jackson is also working with Sheriff Salisbury about this, and hopefully, we will soon be able to put this to rest once and for all.

**Kitsap All-Ports Association:** The next Kitsap All Ports meeting is January 29.