

PORT DISTRICT OF SOUTH WHIDBEY ISLAND

Minutes of the Regular Meeting

October 10, 2007

Freeland, Washington

Present at the meeting were:

Commissioner Lynae Slinden, Clinton
Commissioner Rolf Seitle, Langley
Commissioner Geoff Tapert, Freeland
Ed Field, Port Manager
Molly MacLeod-Roberts, Port Clerk

Ed Bassett, Langley Resident
Don McArthur, SW Youth Connection
John Martin, Clinton Resident
Michaela Wheatley, South Whidbey Record
Chuck Leavitt, Langley Resident
Dennis Gregoire, Freeland Resident

Absent: None

1. MEETING CALL TO ORDER:

The regular meeting of the Port District of South Whidbey Island's Board of Commissioners was convened on October 10, 2007, at the Freeland Library Conference Room in Freeland, WA. Commissioner Tapert, President, called the meeting to order at 7:33 p.m.

2. BUSINESS MEETING – THE CONSENT AGENDA:

A. Consent Agenda:

1. Minutes: Minutes from the Special Meetings of April 18 and July 16, 2007 (Comp Scheme).
2. Vouchers: Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the Board, and have been presented to the Board for review. The vouchers so listed and presented are summarized on the attached Voucher Listing (**EXHIBIT A**).

ACTION: A Motion was made by Commissioner Seitle and seconded by Commissioner Slinden to accept the Consent Agenda, including authorization of Vouchers #3190 - #3217 for a total amount of \$46,630.23. The Motion passed unanimously.

3. PUBLIC COMMENT – Including Items not on Agenda:

There was no public comment other than as noted below on Agenda issues.

A. Langley Small Boat Harbor proposal from Chuck Leavitt: Chuck Leavitt was on hand to discuss his proposal for the Langley Small Boat Harbor previously submitted to the Commissioners and attached to these Minutes (**EXHIBIT B**). Commissioner Tapert asked Leavitt to give a brief summary of the main items in his proposal. Leavitt said he had detailed conversations with Mac Funk, the Harbormaster for Oak Harbor, and Jim Patton, the Executive Director of the Port of Coupeville, regarding the fuel operations at their facilities. Leavitt believed that the Port of South Whidbey could make a profit by having a fuel farm and that it would provide an essential service to boaters. He said the main thrust of his concept related to how the harbor would be run in terms of staffing. Commissioner Tapert said the possibility of a fuel facility is included in the Port's Comprehensive Scheme. Leavitt thinks the staff should not be dedicated to a specific job or area. He thinks they should be multi-tasking, and proposed that the harbor and services could be run by a limited liability corporation under contract to the Port of South Whidbey. Commissioner Tapert said he appreciated Leavitt's input and thanked him for sharing his ideas. Leavitt said he would be happy to help out as a temporary staff person in the interim prior to the hiring of the Harbormaster and completion of construction. Commissioner Slinden said Leavitt had provided good information that would be helpful as the Port revisited the Master Plan. The Commissioners thanked Leavitt for his presentation.

4. ACCOUNTANT REPORT:

A. Financial Statement: The Commissioners accepted the August 2007 Financial Statement which had been mailed to them previously (**EXHIBIT C**).

5. PROJECT ACTION ISSUES:

A. Langley:

1. **Breakwater Status: Schedule Update.** Port Manager Ed Field said he had talked with Clyde Joseph of ACC Hurlen that afternoon. Joseph reported that ACC Hurlen had ordered the materials for the rigging and expected to receive them shortly. Hurlen has tasked Boyer Logistics with the removal of the old bumper from the breakwater. Ed said at this point the relocation of the breakwater would occur in late October or the first week in November, so it is basically "on schedule." Commissioner Tapert asked if the City of Langley would entertain the Port's draft agreement and Ed said it would be in front of the City Council at their next meeting on October 17th. Ed reported that he had met with Mayor Neil Colburn and City Administrator Walt Blackford that afternoon and presented the draft Harbor Facility Use Agreement to them as well as City Planner Larry Cort and Public Works Director Rick Hill (**EXHIBIT D**). Ed hopes they will have City Attorney Dale Roundy review the agreement prior to next week's meeting.

Assistant Harbormaster John Martin said he was concerned about the proposed location of the new breakwater. He said the breakwater would extend about 50 feet past the entrance channel and could be a problem for larger boats. Commissioner Tapert said the bathymetry studies are good and there should not be any problem. Commissioner Slinden explained that because of the way the shoreline runs, the approach will be at the same depth that it is right now.

Chuck Leavitt suggested bringing the breakwater up the Steamboat Slough in Everett to the old logging pens. He said it would be secure there and out of the weather. Commissioner Tapert explained the Port had looked at a number of locations including that one, but the breakwater is 16 feet wide and requires a draft of approximately 6 feet and the Slough is too shallow. Leavitt said it could be done at high tide without a problem. Port Manager Ed Field noted that if the breakwater grounds up, it could break its back. Ed added that trying to bring a 400-ft. float and a couple of tugboats into a channel that is 0.1 fathoms would be extremely risky. The Commissioners agreed that the Slough was not an option.

2. Park & Ramp Project: Ed reported that he spoke with Mayor Colburn and City Administrator Walt Blackford at length that afternoon. As far as the Interagency Committee for Outdoor Recreation/Recreation and Conservation Office (IAC/RCO) is concerned, it is “all or nothing” for them on this project. While IAC/RCO would like to see improvements made, the grant is not going to get broken up. Based on the high bids, the update of the Master Plan and more flexible needs for the space, the general thought is that the Port and the City of Langley would agree to release the grant money. The City requested that the Port formally advise them of the Port’s position, but the City will concur with the concept of releasing the funds to maximize the flexibility and allow for revisiting and enhancing the prospects for future grants. Commissioner Tapert asked how long an IAC/RCO extension is good for and Ed thought it was for one year, but Ed said based on his conversation with the IAC/RCO, they would prefer to see a revised submittal instead of an extension. Ed added that to some extent, the Port’s credibility would be increased by saying, “The Port is going to do something bigger and better, so we’ll decline this but we will be back in a year.”

Freeland resident Dennis Gregoire agreed with Ed and noted how the design of the boat ramp had changed through the permit process. Gregoire said they had disregarded the whole marina development in doing so. He said the Port is in a great position by declining the money now but sending a letter explaining that the Port will be back with a revised submittal.

The Commissioners agreed with declining the grant, and concurred that the letter should emphasize: “We’ll be back.” Commissioner Slinden asked if the City would be sending the letter. Ed said he could draft a letter to the City explaining the reasons for declining the funds (high bids, flexibility, improved Master Plan, etc.) and the City could then attach it to their own letter to IAC/RCO. The Commissioners agreed and told Ed to prepare the letter.

3. Design and Master Plan Process:
 - a. RCO (IAC) Conversion Issues. Ed reported on his conversation with IAC/RCO Project Manager Kammie Bunes earlier today. She concurred with the Port’s valid concerns over additional encumbrances issues which would result from proceeding with the Park & Ramp project. Bunes also informed Ed that there were encumbrance issues with the original property acquisition. She explained that there were four IAC grants in that facility, and two of them were land acquisitions. Ed said they only have the documents with metes and bounds descriptions so they haven’t been able to determine which pieces of property the grants cover. At this point, it seems quite likely that a large part of the uplands the Port will be getting from the City was acquisition-funded by IAC for marine recreation purposes back in the 1970s. Bunes is looking into the archives for extensive mapping and detailed information and will provide Ed with copies of whatever she finds. Ed said he had also discussed the issue with Port Accountant

Chuck Edwards and Greg York of Art Anderson Associates (AAA) and all agreed that it has huge implications as far as potential commercial and other types of development on or through the Port's property there. Commissioner Tapert asked if there is a way to buy out the IAC encumbrances, and Commissioner Slinden and Ed both said there was not.

Ed said York has refocused his efforts this week toward the uplands and the Master Plan process. To some extent, York is approaching it as if it is a planned unit development, where all the different pieces are integrated and plugged together. If the Port were to use 10,000 square feet that was dedicated public right marine recreation use for commercial use instead, it would in turn have to provide 10,000 square feet of non-previously designated property and turn it into marine recreation use. Commissioner Tapert said it is then just a land swap. Ed said that's where York was headed - if the Port has a good relationship with its neighbors and is doing things that benefit those neighbors, then that would be the way to make the situation work. Commissioner Seitle asked if the Board would be hearing from York directly, and Ed said York is aware of the issue and he is trying to address it in his layout designs, which the Board will hear about at the next design meeting.

Regarding the Master Plan and the marina, Ed added that York feels he has general design for 100 slips as a core, not counting the outlying pods, while the costs for the pods are estimated at \$50K per slip instead of \$100K per traditional slip. York feels he has made some real good progress on the marine side and that is why he has somewhat refocused on the uplands to make it all work together.

- b. Statement of Qualifications from J.A. Brennan: J.A. Brennan Associates, PLLC did the original Master Plan, and last week Ed spoke with Jim Brennan as the Commissioners had requested. Brennan was very enthusiastic about the possibility of being involved again and subsequently submitted a Statement of Qualifications **(EXHIBIT E)**. Ed believes there is a fair amount of work that can be done more cost effectively by Brennan and it would match up with the previous work. Mayor Colburn acknowledged that working the revised Master Plan in the same format has some value. Walt Blackford raised the issue of additional public hearings and the Commissioners agreed there would be public hearings. Commissioner Slinden said the purpose of the hearings would be presentation of the Port's concept and soliciting comments regarding it. Ed said he had quite a discussion with the City regarding the whole design process, and it appeared Colburn was 100% understanding of the Port's direction and methods and supportive of the Port's efforts to produce a Master Plan that is both technically and financially feasible.

Commissioner Tapert said he looked at the Master Plan as a linear process, with AAA completing their volume of technical work and schematics to Brennan for publishing and presentation that fits the existing Master Plan but with appropriate revisions. The Commissioners agreed with him and determined that Brennan should also attend the next design workshop with Greg York/AAA.

- c. Next Design Workshop: Ed said he had tentatively scheduled that next design workshop for a Special Meeting on Monday, October 29th, at 9:30 a.m., pending verification of Greg York's availability. The Commissioners agreed.

B. Bush Point Boat Ramp:

1. Transfer Negotiations: Status on Pending Issues. Ed reported there is a little more continuing settlement on the right side of the ramp grid to match the settlement on the left side and it goes out 12-15 feet. He said if they could get the ramp “hard” to 20 feet it would resolve the issue, but even 15 feet might do it. Ed is still trying to connect with local marine contractor Jesse Allen about the ramp grid settlement issue. Regarding the pile hoop repairs, Ed noted that he received a proposal today from Marine Floats in Tacoma for the repair of the pile hoops. Marine Floats is the original manufacturer of the pile hoops. The estimate total was approximately \$4,100 to strengthen the existing hoops and refabricate as needed, galvanize them and get them set for next season. Because of the way Washington State’s Department of Fish and Wildlife (WDFW) had dealt with Marine Floats, the company was not willing to come and inspect the pile hoops at Bush Point unless they were paid for their time. Ed said the Port has been invoiced \$400 for that visit. Commissioner Seitle asked if Marine Floats still planned to use friction materials or did they want to use rollers. Ed said due to the nature of the hexagonal piles (which Marine Floats strongly recommended against during the design process), rollers will not work, especially for the removal of floats. Marine Floats proposes providing the pile hoops with the understanding that rather than lasting 10-20 years, they will need repair or replacement within 5-10 years. Gregoire said he had taken Dean Shaunessy, the former maintenance director from Everett to Bush Point. Shaunessy said he has seen neoprene/rubber, non-metal types of bumpers for the hoops. Gregoire said it might be worthwhile to do some research into that option, although it would probably cost more than \$4,000. Ed noted the other cost to consider is that of fixing the ramp, and then it will be up to the Commissioners to decide whether the Port wants to proceed with repairs on the assumption that the Port will take over Bush Point or sit down with WDFW before doing anything. Gregoire said he would work with Ed and look into the sources, etc. for the non-metal types of bumpers. Ed said that would be great and thanked Gregoire for his offer.
2. Seasonal Float Removal. Ed reported the floats were successfully removed on September 24, 2007, with a boom truck. All four floats were out of the water within 2 to 2 ½ hours and the cost to rent the operated boom truck was only about \$400, plus the rental of a trailer. Ed said the four guys who worked on the removal were very competent and completed the work efficiently. Since the ramp is staying reasonably clean of sand, Ed feels there is no current need to acquire any major equipment for Bush Pt – the operated-rental boom truck approach works perfectly for installs and removals, and a backhoe is apparently not needed for ramp clearing, as sand has not accumulated substantially, and manager Mike has so far been able to roll drift logs off the ramp.

C. Possession Beach Waterfront Park:

1. Seasonal Float Removal. Ed reported the floats were pulled out on Monday, October 8, 2007, in between storms! In addition to Caretaker Wayne Nance and Ed, there five other guys on hand for the removal. They started around 2:00 p.m. and the floats were out by 4:00 p.m. using the backhoe at Possession Beach. Ed said that Nance is really working out great and explained that Nance had operated the backhoe during the removal. Ed also noted that they were able to conduct a Safety Meeting that day as well, prior to the float removal.
2. Estuary Restoration Update from Skagit River System Cooperative (SRSC). Ed said he had sent a reminder to Aundrea McBride of SRSC about her presentation to the Port that was to occur in September or October. In his correspondence, Ed had mentioned that the

Port had declined to proceed with the construction grant request because it was too tentative. Ed read McBride's response, which is attached to these Minutes **(EXHIBIT F)**. The Commissioners said they would look forward to hearing about the feasibility study from McBride at the November regular meeting and she could use whatever format she preferred.

6. ACTIVITIES/INVOLVEMENT REPORTS:

A. Economic Development Council (EDC): Nothing new to report.

B. Council of Governments (COG): Nothing new to report.

C. Skagit-Island Regional Transportation Planning Organization (RTPO): Nothing new to report.

D. Marine Resources Committee (MRC): Commissioner Seitle said there was nothing new to report. Gregoire asked for clarification of when the MRC meetings were held and Commissioner Seitle said they are on the 1st and 3rd Tuesdays of the month at the Island County Commissioners' Hearing Room in Coupeville, WA.

E. Washington Public Ports Association (WPPA):

1. **Small Ports Seminar: October 18-19 in Leavenworth.** Commissioner Slinden wanted to discuss WPPA's Annual General Meeting in November in Bellevue. She spoke with WPPA's Executive Director Pat Jones and he said it would behoove the Port of South Whidbey to have one of its Commissioners attend the meeting and talk to the people from Community, Trade and Economic Development (CTED). Jones also suggested the Port should have Senator Mary Margaret Haugen and CTED come out because there might be some discretionary money in budgeting available. Commissioner Slinden agreed with Jones' opinion that it would be good to start bringing in some of the "power people" from other agencies now rather than waiting. The Commissioners agreed that none of them would be attending the Small Ports Seminar in Leavenworth, but they would try to attend the Annual General Meeting in November.

F. Community Trade & Economic Development (CTED):

1. **ITED Regional Listening Session:** Ed referred the Commissioners to the one-page announcement for the session to be held in the Mt. Vernon/Burlington area on October 24, 2007, and 10-page description of the initiative process that was in their packets **(EXHIBIT G)**. CTED is distributing their money regionally, and Ed reviewed the information and said there are a number of potential areas where the Langley Marina project would fit well, such as jobs, tourism, etc. The Commissioners agreed that one of them would tentatively attend the session if their schedules allowed.

7. OLD BUSINESS:

There were no Old Business items.

8. NEW BUSINESS:

A. Facility Operations: Results of L&I Safety Review: Ed reported he had met with Christine Bolan from the Department of Labor and Industries (L&I) for the closing conference resulting from her surprise inspection of 3 weeks ago. Bolan had inspected Bush Point, Possession Park and the Port office during her initial visit. She reported two general violations of the Port based on the lack of an Accident Prevention Program and the lack of a Job Hazard Analysis for the managers' operations. Ed said a third general violation was avoided by holding the Safety Meeting. Bolan provided Ed with a lot of additional information regarding compliance. At this stage, there are no penalties or fines. The Port should receive Bolan's final report in about 30 days, and there will be a 30-day compliance period attached to it. Ed explained that compliance consists of completing everything the Port is supposed to have and then sending Bolan a letter indicating it has been done. The next inspection will probably be in two years, unless a complaint is received. Ed said he is planning to create a basic Accident Prevention Plan using a reasonable Job Hazard Analysis, and then conduct monthly safety meetings to bring the Port into compliance. That is all that is necessary at this point, but Ed acknowledged that more would be needed when the Port takes over the small boat harbor in Langley.

9. EXECUTIVE SESSION:

A. Closure on Pending Issues: The Board of Commissioners went into Executive Session to discuss closure on pending issues at 8:32 p.m. The Executive Session concluded at 8:45 p.m.

10. ADJOURNMENT:

The meeting was adjourned 8:46 p.m.

Approved:

Minutes prepared by:

Commissioner Geoff Tapert, Freeland

Edwin S. Field, Port Manager

Commissioner Rolf Seitle, Langley

Commissioner Lynae Slinden, Clinton

- Exhibit A: Voucher Listing
- Exhibit B: Letter and Proposal from Charles W. Leavitt, dated 10/4/2007
- Exhibit C: August 2007 Financial Statement
- Exhibit D: Port ltr to City of Langley dated 10/10/07 and Draft Harbor Facility Use Agreement dated 10/8/2007
- Exhibit E: Statement of Qualifications from J.A. Brennan Associates PLLC, dated 10/9/2007
- Exhibit F: Email from Aundrea McBride of SRSC, dated 10/8/07
- Exhibit G: Announcement for ITED Regional Listening Session, email dated 10/8/07