

PORT DISTRICT OF SOUTH WHIDBEY ISLAND

Minutes of the Regular Meeting
July 8, 2009
Freeland, Washington

Present at the meeting were:

Commissioner Lynae Slinden, Clinton	Wayne Morrison, Langley Resident
Commissioner Rolf Seitle, Langley	Herb Helsel, Langley Resident
Commissioner Geoff Tapert, Freeland	Eric Purser, Langley Resident
Ed Field, Port Manager	Michael Schuerlein, Worthington Custom Homes
Dane Anderson, Financial Manager	Chris Jerome, Langley Resident
Molly MacLeod-Roberts, Port Clerk	Hal Seligson, Langley Resident
Rick Brewer, Port Harbormaster	Nancy Waddell, Clinton Resident
Abram Abella, Manager/Caretaker Bush Pt.	

Absent: None

1. MEETING CALL TO ORDER:

The Regular Meeting of the Port District of South Whidbey Island's Board of Commissioners convened on July 8, 2009, at the Freeland Library Conference Room in Freeland, WA. Commissioner Slinden, President, called the Regular Meeting to order at 7:30 p.m., followed by the Pledge of Allegiance.

2. BUSINESS MEETING – THE CONSENT AGENDA:

A. Consent Agenda:

1. Minutes: Minutes from the Regular Meeting of April 15, and the Special Meetings of March 23 and March 25, 2009.
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 Tapert to accept the Consent Agenda, including authorization of Vouchers #3901 - #3948 in the amount of \$58,591.04. The Motion passed unanimously.

3. PUBLIC COMMENT – Including Items not on Agenda:

There was no public comment.

4. ACCOUNTANT REPORT:

A. Financial Statement: The Commissioners acknowledged receipt of the May 2009 Financial Statement, which had been mailed to them previously **(EXHIBIT B)**.

5. PROJECT ACTION ISSUES:

A. South Whidbey Harbor:

1. Expansion Project:

1. Design & Permit Prep – Notes from Presentation to U.S. Army Corps of Engineers: Ed reported that he and Dane had made the initial presentation to the Corps at the Pre-Application Conference in Seattle today, utilizing a PowerPoint presentation **(EXHIBIT C)**. The Corps had invited all of the federal and state agencies, and all the tribes (except the Tulalips, but the Port did inform them about the meeting). Shannon Kinsella of Reid Middleton and Joe Callaghan and Marcelle Lynde of GeoEngineers attended the meeting, as did Herb Helsel, and two representatives from the Corps, but that was it – no other representatives from any other agency or tribe were there. Ed reported that the presentation was well received by the two Corps representatives.

Ed noted that the presentation on the technical side went very well. They were asked if the Port planned to do any grating on the dock, and they explained that due to the structural location and the exposure (especially in Phase 1), the Port was not planning on it, especially since 83% of the project is deeper than –20 feet. There was a lot of discussion about eelgrass, and it seems likely that the Port will probably end up doing some type of habitat enhancement with planting and monitoring, rather than just letting it fill in.

There was also a lot of discussion about the piles. Ed explained that the Port expects to be able to use a vibratory hammer to drive the piles into the sand, but the Corps said that if the Port might have to proof test or final drive any piles with a drive hammer, a full mitigation plan for a drive hammer would have to be prepared and in place prior to the use of a drive hammer. The Corps noted that it could potentially affect marbled murrelets, which are an endangered species.

Dane and Ed informed the Corps that while the Port has the funding for Phase 1, they are still working on the funding for Phase 2. The Corps typically issues 3-year permits with a 1-year extension, but the Endangered Species Act limitation on any approved permit is apparently 5 years. After 5 years, you have to go back and reconfirm. The Corps representative said that the Port could ask for a longer permit period (such as 8 years) up front, if justified based on acquisition of funding. The Port would still have to do a consultation after 5 years because of the ESA limit, but overall asking for an 8-year permit seemed like a good recommendation.

The Corps also recommended that the Port make the same presentation to the Tulalip Tribe. Callaghan is still trying to obtain contact information for the Tribe in order to schedule a meeting.

Ed reiterated that the presentation was generally well received by the Corps. Corps

representatives cautiously said there were no major objections or issues, so it seemed possible the Port could get a permit within a year and be able to be working in the late 2010/early 2011 fish window. The same presentation will be scheduled as soon as possible for the Tulalip Tribe and for Vicky Didenhover, Corps Project Manager, who is currently on vacation.

2. Property Issue Update: Dane reported that the transfer of the tidelands from the Boatyard Inn owners to the Port district is moving ahead, although the owners have had some difficulty obtaining an appraiser. They have a good solid agreement with the Port to transfer the tidelands.

3. Funding Update:

1. Department of Ecology (DOE) Planning Grant – Status Update: The DOE representative who had previously assured Dane that the grant would go through informed Dane that the grant would not be approved. Evidently there were two requirements for the grant that the representative never mentioned, and if Dane had known about those requirements; he would not have pursued the grant. The grant program was designed to acquire property that is currently MTCA-listed so that it can be cleaned up (comparable to an EPA Superfund site). Since the Port already owns the property and it is not MTCA-listed (and nor do we want it listed), the Port doesn't qualify for the grant.

Dane said the federal economic stimulus money has made its way to the state agencies, so he is continuing to look at that for funding, but the Port is way down on most lists. He will really be working on 3 areas of focus: 1) straight-ahead appropriations (now that the Corps is involved and the JARPA process underway, we can start talking to our federal elected representatives about the project), 2) continue to work the private angle (P3 opportunities) to get funding via up front payments on relatively long-term leases, and 3) taxation.

4. Phil Simon Park Relocation Project – Bid Results and Commission Direction: Ed presented the Commission with the bid results opened on July 7, 2009 **(EXHIBIT D)**. He noted that there were 5 bids, and he was surprised at the range and somewhat frustrated that they were so high, but there were 3 clustered fairly close together. The high bid was \$72,522.64, and the low bid was \$32,139.84 (submitted by Michael Schuerlein of Worthington Custom Homes, WCH). Ed said Schuerlein had indicated there could be alternate possibilities for the picnic tables and site furnishings (size, type, manufacturer location, etc.) that might help reduce the cost of the project.

Commissioner Tapert said he was concerned about the round concrete tables that were included in the bid. He felt they could cut costs by purchasing recycled plastic tables that were rectangular. He thought they could get more seating with a rectangular table and that recycled plastic would be durable for the weather exposure and less expensive. Commissioner Slinden suggested they look into the possibility of Rempel Concrete manufacturing the tables (on-island, so reduced cost for freight).

Commissioner Seitle noted that the allocation for the project, including plantings, was \$30,000. Since the bids did not include plantings, he asked Dane what the estimated cost for plantings would be. Dane said they had allocated about \$10,000, but thought that was more money than needed, since purchasing smaller plants when they go on

sale at the end of summer could dramatically reduce the cost for plantings. Whidbey Watershed members and others have volunteered to do the plantings.

Commissioner Tapert noted that the Commission's original plan was to do some maintenance at Phil Simon Park for about \$10,000, but then agreed that realistically it should be \$30,000. Now the bid is at \$32,000, not including plantings for an additional \$10,000. He pointed out that it is within the Commission's authority to reject all bids since they were not within the estimate. He suggested they could then re-evaluate the plan and re-bid the project. Ed said they could do that, but it would mean the Park would not be done this summer. Ed noted that they could also do scope reductions after the bid is awarded, but not before.

ACTION: A Motion was made by Commissioner Seitle and seconded by Commissioner Slinden to award the Phil Simon Park Relocation Project to the lowest bidder, Worthington Custom Homes, subject to reference checks, with consideration for possible scope reductions to be addressed after contract award.

Commissioner Tapert reiterated his concern that the budget started at \$10,000, ballooned to \$30,000 and is now at \$42,000. His preference would be to pull back, rework it and re-bid it. Commissioner Slinden said the original \$10,000 was meant only for maintenance-type purposes. Now the Park is being moved to another location so the scope has been expanded, as well as the cost. She is in favor of reducing costs by using local companies for purchase of the tables, etc.

Commissioner Seitle said although he shares the concern about the bids coming in higher than estimated, he would very much like to get the project done to maintain good will with the City of Langley and the public.

Michael Schuerlein of WCH said he would be happy to work with the Port and do value engineering. He said no costs could be cut with site preparation, but they could be cut from the installation and purchase of materials such as rocks, pavers and tables. He explained that gravel is much less expensive than pavers, and recycled plastic tables or concrete tables from a local source would also be less expensive.

Commissioner Slinden called for a vote on the Motion to award the project to Worthington Homes. The Motion passed by a margin of 2-1, with Commissioners Slinden and Seitle in favor and Commissioner Tapert opposed.

2. Harbor Operations:

1. Harbormaster Report (EXHIBIT E): Rick summarized his June report.

2. Summer Intern Update: Rick reported that one of the three vacancies has been filled, and that intern is working out very well so far. He said he was still hoping to get additional applicants.

3. Revenue Enhancement Update: No update.

Commissioner Seitle was not feeling well and left the meeting at 8:20 p.m.

B. Clinton Beach, Fishing Pier, Dock and Parking Lot:

1. Wood Columns and Picnic Table Refinishing Project: Ed reported that Shawn Ogle of Coastal Soul Construction did an excellent job, and the columns and picnic table look great.
2. Septic System Reconstruction by Washington State Ferries (WSF): Ed reported that WSF had completely reconstructed the system located on Port property (Patty's Parking Lot) without bothering to call the Port in advance. Commissioner Tapert suggested that the Port should send a letter requesting that if WSF needs to perform work on Port property in the future, WSF should provide the Port with advance notice of the work to be done and the schedule as a professional courtesy. Commissioner Slinden agreed, and Ed was directed to draft and send the letter.
3. Dock – Major Maintenance Concerns: Ed noted that the final report from Art Anderson Associates indicates that the triangular frame at the juncture of the two dock segments is adequate in size, but it needs to have the diamond plate welded on top of it and all loose or broken through-bolts need to be tightened or replaced. Ed explained that there are 5 or 6 through-bolts that go out through the dock from either side of the triangle frame. Ed has talked with Todd Graves of Sound Slope and Shoreline about it, and Graves thinks he can replace the two broken bolts that go toward the west. The triangular frame is quite rusted; however, so it would make more sense to replace the frame while doing all the other work. Graves looked at the other bolts, including the broken one that goes toward the south, and discovered they all dead end into the pile well. Graves will do some diving and further evaluation, but the preliminary conclusion is that we can't do major maintenance right now because it is physically not possible to re-assemble due to the way it is constructed. Therefore, Ed said that instead of tightening or replacing 10 or 12 bolts and replacing the triangular frame, at this point they can just do some cleaning, replace maybe 2 of the bolts and weld the diamond plate to the existing rusty frame. He said that would help, but not a lot, and would only partially address the current major-maintenance needs.

Commissioner Slinden thought the Port should be able to get some participation from the WSF, and Commissioner Tapert suggested that they could quit claim the dock to the WSF so maintenance for the dock becomes their responsibility. Ed explained that although the Port has a lease on the fishing pier, the floating dock was designed and built by the Port at its original location, and WSF subsequently moved it to the current location. Commissioner Tapert felt it was "worth a shot" to ask WSF to take over full responsibility for structural repairs, etc., while the Port would still clean it. He compared it to Freeland Park's dock, which the Port doesn't own, and said the Port needs to be very careful in assuming maintenance obligations to facilities. He wants to know for sure if they do or do not have the responsibility for major repairs to the Clinton dock, which could be very costly. With the Port's limited budget, he said, "We can't afford to spend money on things like this if we have an out." Commissioner Slinden viewed having WSF provide financial help as an alternative, since the ferry dock is connected to it. Commissioner Tapert agreed, and said the Port shouldn't engage in any major repairs until all alternatives have been exhausted. Ed explained that the best that can be done right now is to replace 2 of the bolts and weld the plate to the frame. Sound Slope & Shoreline's cost for that work would probably be \$2,000-\$3,000. The Commission authorized that work, and Ed agreed to continue to gather additional information on the issue, which is definitely a significant long-term budget matter.

C. Possession Beach Waterfront Park:

1. Access Improvement Project – Permit Rejection and Commission Direction: Completing the discussion which was started during the Special Meeting on June 16, the Commission directed Ed to draft and send a letter to Island County essentially abandoning the project with the exception of the water line, which the Port will keep locked as requested. It was agreed that additional discussions with the County would be necessary, regarding all boat ramps as essential public facilities.
2. Posch Easement – Survey and Appraisal Received for Easement Request: Ed referred the Board to their copy of the Appraisal submitted by Darrell Posch (**EXHIBIT F**). The appraiser’s final opinion of value was \$750.00. Posch subsequently offered to purchase the requested easement for the appraised value of \$750.00. Commissioner Tapert said Posch had “gone through the hoops” and due diligence has been performed.

ACTION: A Motion was made by Commissioner Tapert and seconded by Commissioner Slinden to accept Darrell Posch’s offer of \$750.00 as compensation for the proposed easement.

Commissioner Slinden said she would like to see the \$750.00 used to buy a picnic table to be placed at the end of the parking lot at Possession Park, and wasn’t prepared to vote on the Motion without its inclusion. Commissioner Tapert felt that was a separate issue, and he would like all 3 Commissioners present to discuss purchases. However, he thought that it would be appropriate that any money gained from granting an easement Possession Park should go to Possession Park.

Commissioner Slinden called for a vote, and the Motion passed unanimously.

3. Backhoe Condition: Status and joint-operations possibility with Harbor: The backhoe is being repaired, but it is clearly “on its later legs.” Ed explained that he has been working on the mid-term evaluation of staffing, particularly at the Harbor, where Possession Manager Wayne Nance has been filling in as Assistant Harbormaster. Long-term, it appears Wayne’s bigger role will be facility maintenance rather than Assistant Harbormaster. Assistant Harbormaster will probably be a separate job for an additional employee. If the Port does purchase a decent backhoe for Possession, Ed recommended that they also purchase a trailer so Wayne could use it at the Harbor to clean the boat ramp there as well.

D. Bush Pt. Boat Launch:

1. Dock Condition – Proposal from Marine Floats: Joe Corsi of Marine Floats (MF, the original manufacturer of the Bush Pt floats) had called Ed at 4:30 p.m. Corsi has been to Bush Pt. three times, and was accompanied by Wendell Stroud, the owner of Marine Floats, on one of those visits. Ed said Marine Floats has repeatedly said that they are as disgusted and frustrated with the situation as the Port is because the design was stuffed down their throat by WDFW, and MF knew it wouldn’t hold up. The key problem is that when the big waves hit the end dock, it ripples back through the whole dock and compresses and collapses the hinges. Marine Floats doesn’t believe bigger hinges would solve the problem. Instead, they propose removal of the 1st dock section connected to the concrete and replace it with a 30-ft. gangway produced by Mantle Industries in Bellingham. Marine Floats also proposes replacement of five of the six existing, rigid pile hoops with chain-type pile hoops like those used in Mukilteo, leaving only one rigid pile hoop on the end to keep the dock in position but not allow the compression to go through it. Stroud also wants to go back and

rework the hinge design. Stroud's verbal estimate for the work was \$15,000 (not to exceed), but Corsi's was \$20,000 (not to exceed). Ed feels Stroud would hold at the \$15,000 estimate, because Marine Floats wants to get it done. If authorized, the welders could begin work late next week or the following week and the floats could be back in the water by the end of July/mid-August.

Commissioner Tapert asked if there was any chance of reimbursement from the Washington State Department of Fish and Wildlife (WDFW) for the faulty, improper design. Ed said he would call Kye Iris at WDFW to see if she can be of assistance.

ACTION: A Motion was made by Commissioner Tapert and seconded by Commissioner Slinden to proceed with the Bush Pt. repair by Marine Floats, conditioned upon confirmation of the proposal in the amount of \$15,000 (Not To Exceed). The Motion passed unanimously.

E. Staff & Operations:

1. Website Upgrade - Update: Dane reported the new website is "looking good" and Staff is feeding content to the web designer. It should be up and running at the end of the month.
2. Enduris Board Election – Commission Direction on Voting: The Commission provided no direction; no opinion.

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): Nothing new to report.

E. Washington Public Ports Association (WPPA): Nothing new to report.

F. Community Trade & Economic Development (CTED): Nothing new to report.

G. Holmes Harbor Shellfish Protection District (HHSPD): Nothing new to report.

H. Puget Sound Partnership (PSP): Nothing new to report

I. Center for Wooden Boats Cama Beach/Whidbey Summer Event (September 5, 2009):
Nothing new to report.

7. OLD BUSINESS:

A. County-wide Parks Issues: Nothing to report.

B. Freeland Non-Municipal Urban Growth Area (NMUGA) – Econ. Development Issues:

Commissioner Tapert reported that the group continues to work through development regulations, the most recent one was the tree retention ordinance. He said that there is very little opportunity for economic development in the Freeland area; just the commercial zones and the limited industrial zone in and around the Nichols Brothers Boatyard.

8. NEW BUSINESS:

A. Innovation Partnership Zone (IPZ) – Discussion from Commissioner Tapert:

Commissioner Tapert had previously provided the Commission with information regarding IPZ **(EXHIBIT G)** that he had obtained from the Washington State Department of Community, Trade & Economic Development (CTED). He wanted to alert the Commission to the opportunity, because although it is too late to apply this year, in the next two years the Port should have the ability to get some significant partners and develop a cohesive plan.

9. ADJOURNMENT:

The meeting was adjourned at 9:15 p.m.

Approved:

Minutes prepared by:

Commissioner Lynae Slinden, Clinton

Edwin S. Field, Port Manager

Commissioner Geoff Tapert, Freeland

Commissioner Rolf Seitle, Langley

- Exhibit A: Voucher Listing
- Exhibit B: May 2009 Financial Statement
- Exhibit C: Printed version of PowerPoint presentation from Pre-Application Meeting 7/8/09.
- Exhibit D: Phil Simon Park Relocation Project Bid Results
- Exhibit E: Harbormaster Report dated July 8, 2009
- Exhibit F: Whidbey Appraisal of Posch Easement at Poss. Park, dated 6/25/09
- Exhibit G: Information on IPZ