



## Port of Illahee – Minutes of Regular Meeting on May 9, 2018

Port of Illahee  
Minutes of Regular Meeting  
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### **CALL TO ORDER**

Commission Chairman James Aho called the meeting to order at 6:30 PM at the Annex, 9756 NE Ogle Road (lower level), Bremerton. Also present were Commissioner Jon Buesch; Commissioner John Burton; Administrator, Theresa Haaland; Tim Knapp of TIKAR Services; and Illahee residents: Roy Barton, Don Jahaske, and Tom and Linda Prior. Michael Tucker and Mark Nass arrived at approximately 6:40PM.

### **CONSENT AGENDA**

*Commissioner Buesch moved to approve the consent agenda items: Meeting Agenda with an addition under New Business; April 11, 2018 Regular Meeting minutes; April 23, 2018 Kitsap All Ports Meeting minutes; checks numbering 4289 through 4302 in the amount of \$14,465.53 as outlined in the attached voucher approval; second by Commissioner Burton; approved unanimously.*

Commissioner Burton requested information regarding Washington Public Ports Association (WPPA) sponsored seminars. The link to the WPPA's website will be e-mailed to him.

### **PUBLIC COMMENT**

Tom and Linda Prior own property south of the Illahee dock. An e-mail from Mr. Prior dated April 20<sup>th</sup> was reviewed. Mr. Prior explained that the number of individuals trespassing onto his beachfront property is increasing. The individuals gain access to the beach from the Port's property and just continue to wonder onto his and neighboring beachfront properties. He requested

that the Port install signs delineating the boundaries of the Port's property. Commissioner Aho explained that this was brought up at the recent Kitsap All Ports meeting. Other Ports have also received similar complaints from their neighboring property owners. It was suggested signs be posted that state "Private Property Beyond This Point". Ms. Prior explained that there were approximately seven individuals picnicking in their front yard at one point. Michael Tucker added that individuals will also bring their off-leash dogs and entice them to chase after the native birds. Commissioner Aho agreed that the Port should install signs. Commissioner Buesch said that the signs would need to be mounted to the bulkhead and agreed with the wording, but explained that it would be up to the property owner to post "No Trespassing" signs. The Priors explained that they already have signs posted in cement on their beach. Tim Knapp said that to get longevity out of the signs they should be flush mounted to the bulkhead. Commissioner Burton explained that in other states the beaches are public property; individuals may just be unaware that it is private property especially if they are from out of town. Roy Barton said that he thought it was okay to walk across beachfront property. Commissioner Aho said that an attorney once told him that it was acceptable for individuals to cross the property as long as they didn't stop. The Priors said that no one other than adjacent property owners should be crossing their property as there is nowhere to go, it's basically a dead end. At the All Ports meeting local attorney Phil Best relayed the history of the Public Trust Doctrine and explained that it depends on what the deed to the property states. In most cases in and around Illahee the second class tidelands are private



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property. Phil had explained that basically when the tide is high individuals are entitled to float across, but at low tide the beach is private property. The Washington State legislature hasn't been willing to touch the subject and the Washington State Supreme Court is waiting for the right case. ***Commissioner Burton moved to have signs posted on the north and south sides of the Port of Illahee dock property that state something to the affect that this is the end of Port property; second by Commissioner Buesch; approved unanimously.***

Tim reported that the piling hoops should be installed within the next couple of weeks. He plans to pressure wash the inside railing tomorrow if it's bad weather as there will be less traffic on the dock. Commissioner Burton explained that he requested Tim to pressure wash just the inside of the railings at this time to determine the status of the wood prior to the toe kick and railing replacement. He also told Tim the railing was the priority as it is a possible safety hazard. Once the pressure washing is complete Tim will evaluate the situation and contact Commissioner Burton for further discussion and direction. Tim said that he will be out of town for next month's meeting, but is available via cell phone and if any emergency-type situations arise he has individuals filling in for him. He also offered to help with the installation of the signs.

### REPORTS/UNFINISHED BUSINESS

#### Treasurer's

As of April 30, 2018 the General Fund totaled \$225,088.52, Investments totaled \$213,294.39, and the Balance of the Good Property Management account totaled \$157.36.

#### Commissioners' Reports

Website - Commissioner Aho said the website is up-to-date and asked everyone to tell him if they think of anything more to add as the Port wants to be as transparent as possible.

#### Rental Properties

##### 5560 Ocean View Boulevard

Commissioner Buesch reported that the tenant has been out of town so he was unable to view the basement water issue. He and Mr. Barton will plan to schedule a time possibly next week. The mailbox has not yet been replaced, but Good Property Management is aware of it and is going to remind their contractor. The tenant reported that Puget Sound Energy has requested the ivy be removed from the power pole at the property.

Commissioner Buesch said he will contact the landscaper to remove the ivy. Commissioner Aho said that it's really easy to remove it by just cutting it, which will kill it and then it can easily be removed. Commissioner Buesch will see about doing that. A note had been received from a company stating they are still interested in purchasing the property. The note was made to look like it was handwritten, but it was a photocopy. Something to consider in the future if it is decided to sell the property.

##### 5500 Illahee Road

The tenant paid a portion of the water bill avoiding shut off.

Dock/Pier – Commissioner Burton reported that the interlocal agreement with Brownsville has been finalized. He and the Port of Brownsville manager, Matt Appleton, will walk through the Port of Illahee's facilities tomorrow and discuss priorities.



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From there Matt will provide a written estimate and timeframe for the work to be completed. Commissioner Burton said that there aren't many lights for the walkway of the dock and thought that might be something to further discuss with Matt. The use at the dock is really ramping up with the warmer weather approaching. Commissioner Burton will also be in charge of getting signs ordered and mounted.

### Illahhee Store Property/5507 Illahee Road –

Commissioner Aho reported that the Purchase and Sale Agreement has been signed, but it wasn't dated. According to Attorney Bagwell, Flett Dairy's attorneys have the agreement but have not yet responded. Commissioner Aho informed everyone that the Port rated number sixteen on the Pollution Liability Insurance Agency's (PLIA) list to be awarded \$355,000 to clean up the contaminated soil on the property. Q-Logic has recently created shovel-ready drawings, so that they can begin the cleanup once PLIA releases the funds to the Port, but that can't happen until the Port actually owns the property. The Recreation Conservation Office (RCO) grant the Port is applying for to create the Illahee Water Access Park could also be affected as the Port had planned to use the money paid for the store as matching grant funds. Illahee as a whole has a lot at stake if the purchase doesn't finalize considering that property has been vacant and dilapidating for many years now. It was thought maybe someone in the community could do some digging to find a point-of-contact for Flett Dairy and ask them to put some pressure on their lawyers to get this item put to bed as it has drained from the community long enough. Commissioner Aho said that if the Port doesn't qualify this year for the PLIA grant there is always next year, but it would be

best to get it done now while the funds are available.

### Waterfront Improvement – Marine Park –

Resolution 2018-02 was reviewed. Commissioner Aho explained that it is a required resolution which allows the Port to proceed with the Recreation Conservation Office (RCO) grant. ***Commissioner Burton moved to adopt Resolution 2018-02 Recreation and Conservation Office Applicant Resolution/Authorization; second by Commissioner Buesch; approved unanimously.***

Commissioner Aho explained that the Port attempted to hire Grant Solutions to write the grant, but it didn't seem to peak their interest due to the small scope of the project. So, Commissioner Aho did the work and was able to turn in the application to the RCO by the deadline. With all of the slope requirements and everything to consider ensuring the final design is Americans with Disability Act (ADA) accessible it was agreed that professional services would be hired to provide a design. David Grellier is a well-known and respected local architect that the Port wanted to hire to create the drawings. Mr. Grellier works for Hecker Architects now, so the Port entered an agreement with Hecker Architects. The costs agreed to were not to exceed \$12,000.

Commissioner Aho provided a drawing that Hecker Architects submitted. He wasn't totally satisfied with the drawing considering the amount of money it has cost thus far. The Port has been charged \$8,345.50 through April 30<sup>th</sup>. Commissioner Aho attempted to get a final billing from Hecker Architects, but they couldn't yet provide it. Commissioner Aho suggested that if/when designs for the Illahee store are needed another architectural firm may be needed. Commissioner



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Buesch agreed as he personally had a similar experience with Hecker and Associates. The RCO Technical Review for the Port is scheduled for the afternoon of May 30<sup>th</sup>. Commissioner Aho will make the presentation but would like the other Commissioners to consider attending. If one other Commissioner attends it is technically a quorum and could pose a problem with the Open Public Meetings Act. Although a quorum may be present, no decisions or other Port business will be discussed. It was agreed that it would be satisfactory to post Notice of Special Meeting on the Port's website listing the presentation date, time and place and invite the public to attend.

### **NEW BUSINESS**

The Washington State Auditor required Annual Report has been submitted to the State. A copy of which will be added to the Port's website.

Checks from Costco have been ordered.

Commissioner Aho explained that property at 5533 Ocean View Boulevard was recently listed for sale. Commissioner Burton said that it is already under contract. It apparently had four offers the first week it was listed. This is the same property Port Commissioners years ago attempted to purchase at a Sheriff's sale, as it was thought it would be an ideal piece of property for access and parking to the Illahee store property. Commissioner Burton suggested that if/when the designs for the store property are prepared they include limiting access between the two properties to avoid possible future issues.

### **PUBLIC COMMENT**

Mr. Prior asked about the lighting at the dock. He explained that in the past the lights would turn off just after dark, but now they seem to be on at all times of the night, which attracts people to the area and the increased noise after hours disturbs the neighboring property owners. It was explained that squid fishermen depend on the light after hours. One ongoing problem the Port has dealt with is the electrical boxes being broken into as individuals take it upon themselves to control the lights. Commissioner Burton said that he plans to bring the subject up with Matt during his walk through as the electrical boxes, outlets and timers all need repair and the timers need to be reset to a reasonable time. Mr. Barton recalls discussion about the lights left on at the dock to accommodate the squid fishermen, but it was determined that most of the fishermen are not even from the Illahee area. Commissioner Burton said that like with anything it all needs proper maintenance and thankfully the Port of Brownsville has some qualified electricians on staff. He suggested the two larger overhead lights that are on a timer and added walkway lights remain on after hours as a safety precaution. Mr. Prior said that the issue is not necessarily the light but rather the attraction it creates which causes a lot of noise in the area after hours. Mr. Barton said that's one of the perils of living next to a public dock.

The upcoming RCO presentation was discussed. ***Commissioner Burton moved to have the announcement of the RCO presentation on the afternoon of May 30<sup>th</sup> posted to the Port of Illahee's website informing the public that this is a public meeting with a possibility of a quorum of Port of Illahee Commissioners although no decisions or other Port business other than the***



*Illahoe Waterfront Access Park will be discussed; second by Commissioner Buesch; approved unanimously.*

**EXECUTIVE SESSION**

At 7:42PM it was announced the meeting would be going into Executive Session for approximately five minutes to discuss real estate matters.

At 7:47PM the meeting returned to Regular Session.

**ADJOURN**

*At 7:48PM Commissioner Buesch moved to adjourn; second by Commissioner Burton; approved unanimously.*

Approved:

  
Commissioner

  
Commissioner


  
Commissioner

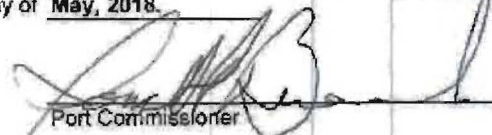


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**VOUCHER APPROVAL**

We, the undersigned Board of Commissioners of the Port of Illahee, Kitsap County, Washington, do hereby certify that the merchandise and/or services hereinafter specified have been received and that the vouchers listed below are approved for payment in the amount of \$14,465.53 and from the General Fund, this 9th day of May, 2018.

  
Port Auditor

  
Port Commissioner

  
Port Commissioner

Number	Name	Amount
4289	JAMES AHO	342.00
4290	JOHN BURTON	342.00
4291	JONATHAN BUESCH	342.00
4292	CASCADE NATURAL GAS	4.00
4293	HONEY BUCKET	87.00
4294	WASTE MANAGEMENT	143.16
4295	PUGET SOUND ENERGY	28.70
4296	BANK OF AMERICA	3,500.00
4297	CLEAR SEPTIC SOLUTIONS	1,972.61
4298	HECKER ARCHITECTS	4,845.50
4299	BREMERTON BACKFLOW SERVICES	45.00
4300	KENNETH W. BAGWELL, INC., P.S.	740.00
4301	KITSAP BANK	1,236.34
4302	THERESA HAALAND	837.22