



Port of Illahee – Minutes of Regular Meeting on December 8, 2021

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Minutes of Regular Meeting
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The Regular Port of Illahee meeting was held virtually through the ZOOM app (meeting id# 71509975823 / Password: Illahee). Notice of the virtual meeting was posted near the kiosk at the head of the pier and on the Port's website – portofillahee.com.

CALL TO ORDER

Commission Chairman James Aho called the meeting to order at 6:30 PM. Also, in attendance were Commissioner Jonathan Buesch; Commissioner John Burton; Administrator Theresa Haaland; John Piccone of SoundWest Engineering; Amber Bartz; Cathy Johnson; John Parvis and Ed Seal.

CONSENT AGENDA

Commissioner Buesch moved to approve the consent agenda items: December Meeting Agenda; November 10, 2021 Regular Meeting minutes; December 8, 2021 checks numbering 4820 through 4831 totaling \$8,027.34 as outlined in the attached Voucher Approval; second by Commissioner Burton; approved unanimously.

PUBLIC COMMENT – None

REPORTS/UNFINISHED BUSINESS

Loan/Line-of-Credit – It was thought Richard Martinez of Kitsap Bank would be attending tonight's meeting so it was decided to move on to the next item in hopes Mr. Martinez is just running late.

Grants/Waterfront Access Improvements – John Piccone reported that the month of December planning efforts are moving forward. Everything is getting in order with lots of

engineering calculations and input from a number of people, so that after the first of the year we should be in full swing for the design phase. The final design will include the Waterfront Access Project in combination with the store site development and pier piling repair/replacement. Mr. Piccone explained that once it gets started, he plans to provide monthly updates or even twice-a-month updates, depending on where we are in the process. He will provide an update of the options and determine which way the Commissioners decide to take it to the final design. Mr. Piccone said that the input from Kitsap County is necessary as there are some obvious code requirements that are not going to be able to be met, such as emergency vehicle access. He is hopeful a variance will be provided by the County and he plans to be persistent with the County about it as well as some right-of-way related issues. He has been trying to extract from the County specifically what their fire requirements will be and he plans to continue these discussions being up-front with the County and ask for necessary variances. Commissioner Aho questioned that since the Port doesn't offer permanent or even long-term moorage, if that might play into the emergency access issue. Mr. Piccone said that officially it doesn't but unofficially it does. It basically comes down to the Fire Marshall's opinion. In the past a Fire Marshall, who was actually an on-hands firefighter, would come to a site and look at it with a practical eye, but now the review is generally completed by a Deputy Fire Marshall, which is a Kitsap County Department of Community Development (DCD) employee, who although is well trained doesn't necessarily have actual firefighting experience, so they generally go by the written code. Mr.



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Piccone said that he will explain the approach, but it comes down to how they want to interpret the code, so it just depends. Commissioner Aho said that with the new aluminum floats vice the current wooden ones, it seems the facility will actually be much safer and less of a hazard. Commissioner Burton said that fire suppression isn't in any of the plans. Mr. Piccone explained that a dry standpipe will be up on Illahee Road, so the thought is that an engine would hook up to it and pump water down to the pier/floats. If that isn't adequate, they may require a hydrant to be installed closer to the dock. He said that they are not preparing the bid manual right now, but will prepare the drawings and bid specifications. They will essentially be preparing two separate plan sets; one for upland work outside of the United States Army Corps of Engineers (USACE) jurisdiction and the other for marine work within the USACE jurisdiction. This will provide flexibility to proceed with each phase separately just in case the USACE permit is significantly delayed. As discussed previously, the two longest lead permits, USACE permit and Kitsap County Shoreline Substantial Development Permit (KCSSDP) were submitted this past summer and are currently under initial review. To-date there has been no feedback from either agency. Mr. Piccone said that he is not surprised by this as both agencies have been very slow, especially in this past year. He plans to begin pestering on a regular and frequent basis to get the much-needed preliminary feedback. He went on to explain that it is going to feel like we are doing the same process multiple times especially when it comes to the County. Once the preliminary comments are received from the County on the KCSSDP, the Kitsap County

Site Development Permit (KCSDP) will be prepared and submitted in coordination with the final design. This permit will include things associated with the site such as the right-of-way setback compliance and stormwater compliance. After the KCSDP permit the actual Kitsap County Building permit (KCBP) will need to be prepared and submitted. So it is going to feel like we are jumping through the same hoop over and over, but they are all separate and necessary hoops. Mr. Piccone said that he has tried to find a way around this process and/or to streamline it, but it just isn't possible. Commissioner Aho said that there had been discussion with the County to install a stormwater filtration system in coordination with the Port's project. The County had budget issues at the time it was discussed. It seems prudent to have it done at the same time, but at the least the Port should be provided the size of the filtration system, so that it can be planned accordingly. Mr. Piccone said that after the preliminary feedback for the KCSSDP is received and the KCSDP is being prepared would be the appropriate time to discuss the County's filtration system for that area and at that point it may help to either have an in-person or Zoom meeting with County personnel to discuss. Mr. Piccone said that it is his opinion that this may need to get dovetailed into the Port's project separately. He said we will not give up on it and assume it will happen, but the timing of it may not coincide with the Port's project and the County would probably have their internal personnel complete the project. Commissioner Aho said that he knows the County personnel that could make it happen, so he may reach out to them sooner rather than later, just to make sure it's on their radar. Commissioner Aho explained



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that it's a budget issue for the County, if the infrastructure money is available, they may be able to schedule it. Mr. Piccone agreed that may be a good idea. He said that the County used to process the KCSSDP within ninety days, now they are closer to six months out. He talked with someone from the County, who has worked there for many years. This person told Mr. Piccone that the County in all its history has never been so severely understaffed with senior people leaving. Mr. Piccone said that he wants to get to the final design as soon as possible as we could be dealing with delays, pushing things out significantly. Commissioner Burton questioned the piling survey that is to be conducted, asking if it would include the wood decking. Mr. Piccone said that most of the wood decking will remain all the way out. Commissioner Burton asked to be included when the on-site survey is being conducted. Mr. Piccone said that he's hoping to schedule it in January and will keep in contact with Commissioner Burton. Mr. Piccone said that in reviewing the 2014 survey, several pilings had a remaining life timeline that has now passed. He plans to look at the pilings and the beams on top of them, as they too were in poor shape according to the 2014 survey. He doesn't plan on looking at the decking or the hand railing, just the bigger items, with the thought that a contractor will be in the area driving pile for the new work and it would be prudent to get other pilings replaced at that time. The plan is to look at the pilings and determine what needs to be or should be replaced now. After the survey it will be brought to the Board at which time decisions will need to be made.

Mr. Piccone reminded everyone that the Port's aquatic lands lease with the Washington State Department of Natural Resources (DNR) needs to be renewed as it is currently expired. The current lease is not quite big enough and needs to be expanded. Mr. Piccone has had unofficial talks with DNR personnel, who didn't see any issues with the expansion. He plans to send the official request to the DNR in January. He explained that the DNR could amend the lease payments for the land, but seeing that the Port has never had to pay for the lease he doesn't think this will change. Typically, the DNR no longer offers a thirty-year lease as they had in the past, but rather a ten or twenty-year lease is granted. This creates an issue with the Recreation Conservation Office (RCO) as they want assurance that a thirty-year lease is in place. Mr. Piccone explained that in his experience in working with both agencies they have always made a way to make it all work. His plan is to get this done by the spring.

Mr. Piccone said that he has forwarded all of the environmental reports and sixty-percent design drawings to the Suquamish Tribe and asked that they provide any feedback. He plans to reach back out to the Tribe prior to construction just to be sure there are no issues and/or questions or concerns.

Mr. Piccone reported that Commissioner Buesch has provided him with Dave's Septic contact information and he plans to make contact with Dave to discuss Dave's ideas about the vault restroom and the septic system at the store.

Mr. Piccone explained that for the final design coastal and geo technical engineering



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information will be needed. The Port can either pay anywhere from \$50,000 to \$150,000 for a coastal engineering study or use a much more simplified recommendations report. Mr. Piccone said that this was discussed in the past, at which time he suggested the Port save money by using the recommendations report. It will consist of a four-to-ten-page report that was created using historic weather data. He said that the same goes for the geo technical report. The Port can either pay anywhere from \$40,000 to \$80,000 for an actual geo technical study or rather a report created by using online tools and assumptions of what is there. If the assumptions are correct the pile driving will go smoothly, but if the assumptions are incorrect the pilings would need to be driven elsewhere and would create some additional costs to the Port during the construction phase. Mr. Piccone said that if this was a very big project he would recommend the study, but he doesn't see the expense being justified with the size of this project. He suggested the Port pursue the report instead of the study to reduce costs. Commissioner Aho agreed and said that it is the common-sense approach. The dock has been there for a long time and he doesn't see spending the extra money as holding much benefit. Commissioner Burton agreed and said that the facility is for recreational-use only and doesn't support any major traffic. Using historical information should be enough to get a pretty accurate basis. Mr. Piccone said that he too agreed and that was his assumption as it had been briefly discussed earlier on in the process at which time the Commissioners gave the impression that the least expensive avenue would be adequate. In January Mr. Piccone plans to reach out to Puget Sound Energy (PSE) to touch base with them regarding the

project and determine if they have any issues moving forward. Commissioner Buesch asked if moving the adjacent property's driveway to the east was to accommodate the electrical. Mr. Piccone said it was. This was all discussed with PSE over the phone early on, but once the final design is created Mr. Piccone wants to reach back out to them just for a final confirmation to make sure there are no surprises once submitted. Commissioner Buesch told Mr. Piccone that from his experience contacting Dave with Dave's Septic is challenging, but encouraged him to just keep calling and leaving messages. Commissioner Buesch informed Dave that Mr. Piccone will be reaching out to him. Mr. Piccone said that he intends to bug Dave until he hears from him. Mr. Piccone was thanked for attending the meeting and updating the Board on the status of the project.

Loan/Line-of-Credit – Commissioner Buesch said that he had thought Mr. Martinez was planning to attend tonight's meeting, but apparently there was some miscommunication because Mr. Martinez was not in attendance. Commissioner Buesch reported that he did contact Mr. Martinez after last month's meeting and informed him of the Port's concerns regarding the "Draw Period" within the term letter. Mr. Martinez provided a new term letter dated November 15, 2021, with a new draw period of up to thirty-six months instead of twenty-four months. Commissioner Buesch said that he thought the reason to sign the term letter now was to lock in the interest rate because no one knows where the interest rate might be by next month let alone longer. He said it needs to be signed. Commissioner Buesch said that the whole purpose for Mr.



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Martinez being invited to tonight's meeting was so that he could answer any questions the other Commissioners might have, but he understood the terms and could try to answer any questions. He believes that going this route with a bond will in the long run save the Port quite a bit of money similar to the bond that was pursued for the debt on the 5560 Ocean View property. Commissioner Burton said that he read through the new term letter and everything the Port had asked for is within it, but with the closing date remaining at December 31, 2021 he thought we need more time. Commissioner Buesch said that the changes did include an additional twelve months to the draw time, which hopefully will give the Port enough time to get everything completed, but it's uncertain with possible permit delays. He said that he thought all of the Commissioners' concerns were addressed and said that the term letter needs to be signed and provided to Mr. Martinez as soon as possible, so that we don't lose out on the current terms. Commissioner Buesch continued by saying that time is of the essence to at least try and lock this down with Kitsap Bank. ***Commissioner Buesch made a motion to accept the most recent term letter from Kitsap Bank dated November 15, 2021 with the funds being used towards the Waterfront Access Project and Upland Restoration; second by Commissioner Burton; approved unanimously.*** It was questioned if a Resolution is necessary. Commissioner Aho explained that it is his understanding that any motion made and approved by the Board is basically an informal Resolution. Cathy Johnson asked if the Port will be hiring K&L Gates to prepare the closing paperwork for the bond. Within the November 15, 2021 term letter from Kitsap Bank it states

that if accepted, these terms will expire without notice if the Bond has not closed by December 31, 2021. Ms. Johnson said that from her experience bonds have a lot of paperwork, she questioned if it could close by the end of the month. Commissioner Buesch said that he spoke with Scott McJannet of K&L Gates at the Small Ports Seminar in Leavenworth in October. Once Mr. McJannet was told that the Port is working with Richard Martinez of Kitsap Bank, Mr. McJannet said that the Port is in good hands with Mr. Martinez, so it was thought Kitsap Bank would be handling everything. Commissioner Buesch said that he will call Mr. Martinez and find out what the next step is for the Port. Commissioner Aho said that he would like to get this completed by the end of the month. It was noted that within the term letter it also states that a fee of \$1,750, of the approved Bond amount, is due at closing. It was thought that the closing fee may be able to be paid with a Port-issued Visa card. Commissioner Burton said that it seems the closing deadline would need to be extended to January 31, 2022 in order to make sure everything is completed properly. Commissioner Buesch said that it's a matter of timing and the bank will need a say in that as well. Commissioner Aho agreed and said that if a credit card can be used to pay the closing fees, we will do that and if not, it will have to be moved to the January meeting for payment. At this point we will just play it all by ear and Commissioner Buesch will find out the details of what is needed and the next steps.

Treasurer's Report

As of November 30, 2021 the General Fund totaled \$120,476.76, Investments totaled \$277,220.45 and the balance of the Good



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Property Management (GPM) account totaled \$200.00 for a total of \$397,897.21.

Reports

Website – Commissioner Aho reported that he was able to obtain a disk of the Surface Water Management Plan (SWMP) and he has downloaded the mussel sampling results, so will be working on getting both items posted to the website.

Properties

5560 Ocean View Boulevard/Rental Property – the November rent continues to go underpaid as a portion of it went to pay the plumbing bill, which was actually the tenant's responsibility but they refused to pay. Ms. Johnson asked about the current lease. She understood that the tenants refused to enter into a new lease some time ago, but have been paying the monthly rent. She cautioned that the State Auditor may take issue with this as the Port is unprotected if there is no lease in place. It was thought that the prior lease automatically transferred to a month-to-month lease, but it was agreed that Good Property Management (GPM) should be contacted to confirm. Ms. Johnson asked about the report that was supposed to be generated showing the revenue and expenses related to the property. Commissioner Buesch explained that the report was generated and sent to Roy Barton and he thought he had sent it to Ms. Johnson as well. Ms. Johnson said that she did not receive it.

Commissioner Buesch explained that as he mentioned during last month's meeting the Ocean View property is underinsured at \$308,000. An email dated November 16, 2021 from Joe Davis of Enduris was reviewed. Mr.

Davis estimated the property at \$700,000 and that it would cost approximately \$1,500 more a year for the Port to insure it for that amount. Commissioner Buesch said that the \$700,000 is for the entire property, but even if, God forbid, the house burned to the ground there would still be \$50,000 - \$75,000 of value in the land, so he would suggest the coverage be for \$650,000, which should save the Port a little. He said that the additional \$1,500 seems high and suggested shopping around for insurance for the property, but that it should be done sooner rather than later just in case. Commissioner Aho said that since GPM manages many properties, they may have ideas and/or suggestions for insurance. Commissioner Buesch questioned if insurance companies can insure public property. Commissioner Aho asked Commissioner Buesch to look into it a bit more and provide information to contracted Port staff since Commissioner Buesch's term ends December 31, 2021. Commissioner Buesch agreed.

Commissioner Buesch provided a signed and recorded "Termination of Notice To Title" form, which separates the Illahee Road lot from the 5560 Ocean View property. Commissioner Buesch said that he received the signed document from Kerrie Yanda of Kitsap County Public Health District (KCPHD) via Dave of Dave's Septic. Commissioner Buesch then took the document to the Kitsap County Auditor's office and paid \$208.38, with the Port's Visa card, to have it filed and recorded with the County and then brought a copy of it back to KCPHD. Commissioner Buesch was happy to report that the reserve drainfield lot along Illahee Road is officially separated from the 5560 Ocean View property. He said that



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now it gives the Port options of either using it as a drainfield for the Illahee store renovation, unless that can be somehow incorporated with the Waterfront access project, or the lot is freed up to be sold with the proceeds being used to help pay down the \$700,000 bond.

5500 Illahee Road/Rental Property –

Commissioner Buesch noted there was nothing new to report on this property.

5507 Illahee Road/Illahee Store Property –

Commissioner Aho explained that the Pollution Liability Insurance Agency (PLIA) will be working on the pollution cleanup at the store property. The Port needs to be ready to talk with PLIA and should have a septic design available by that time. It's imperative that Mr. Piccone talk to Dave of Dave's Septic about what can and should be done with the septic. Mr. Piccone, early on, gave the impression that he thought it wouldn't be possible to have a drainfield along the water-side of Illahee Road somehow incorporated with the Waterfront Access project. When Commissioner Buesch talked to Dave about it, Dave had some interesting ideas of what he thought could be done including piping it across Illahee Road, which would be ideal. Commissioner Buesch reminded everyone that Dave is very hard to get ahold of, but encouraged the Commissioners to press John Piccone to talk to Dave and seriously consider putting the drainfield across Illahee Road, which will free up the Port's Illahee Road lot. The required 200-foot setback from the water was discussed. When Commissioner Buesch and Dave met on-site and discussed the store's septic, Dave didn't see piping it across Illahee Road or the 200-foot setback as an issue and since this is his bailiwick, it would be worth the

effort to further discuss this with Dave and not just take a no from Mr. Piccone, Commissioner Aho agreed and said the remaining Commissioners will take this torch Commissioner Buesch has started and press on with it.

Dock/Pier – Commissioner Burton reported that the one private property sign to the south has not yet been installed. The sign maker has turned it over to TIKAR and they are fabricating a bracket system to attach it to the concrete wall over by the steps. He has talked to TIKAR about fixing the broken pipe rail. TIKAR suggested a suitable railing system that will pass an inspection be installed. This railing is along the steps accessing the southside of the entrance to the pier. Commissioner Burton explained that it's been broken for a while now and needs to be repaired for the safety of the people that use it. The light sensors and fixtures have all been replaced except for the one large overhead light that normally would shine over into the water; a replacement bulb cannot be found, so Commissioner Burton asked TIKAR to look into replacing both lights with something that is more easily attainable.

Commissioner Burton reported that a number of the bolts on the guide tracks at the bottom of the ramp to the floats have broken. TIKAR has been tasked with the repair, but it has to be completed during a low tide, so they will schedule it.

Commissioner Burton noticed last week that the Port's recycling container was removed by Waste Management (WM). A call was placed to WM and it was determined that the Port hasn't been paying for the recycling service, although had a container and was using it for



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quite some time. Commissioner Burton said that it costs approximately \$10 a month to add the recycling service. He has noticed in the past that the majority of the dock users don't separate recyclables from garbage anyway and he doesn't want to be responsible for having to dive into the garbage to take out the recyclables. Commissioner Burton suggested this be reevaluated once all of the waterfront development including the store is completed. Commissioner Buesch agreed that from his experience the public in general seem to not separate recyclables from garbage and said that the Port may want to consider either a larger receptacle or a twice-a-week pickup if it is noticed that it is needed since recycling is no longer available. Commissioner Aho agreed and said that before Commissioner Burton took over bringing up the dock's garbage receptacle every week, he did it and he recalled the recycling being very rarely used. He's glad to see it's gone and thanked Commissioner Burton for hauling the garbage up every week.

Commissioner Buesch said that the last time he was down at the dock facility, it all looked particularly nice. The Port's facility is especially nice compared to Illahee State Park's pier, but as far as the floats go, they are all going to be replaced with new floats within the Waterfront Access project and he questioned adding new runners on the floats. Commissioner Burton explained that it is not replacing the runners but rather just adding a handful of fasteners that hold the runners in place. Commissioner Aho said that the lights will also be affected by the new project including the poles that had the polyethylene material added to them. It's all going away next fall so as far as installing new light

fixtures, he doesn't want to spend a lot of money on the lights if they are all going to be replaced with new posts within a year. Commissioner Burton explained that the polyethylene material was installed to keep people from climbing on them and he is not looking at getting fancy lights, but it is something that should be fixed now and get something that will be suitable that can be used with the dock renovations. Commissioner Burton said that he thinks it would be easy to get something that can be reused in the future. He doesn't intend on purchasing lights that are just going to be thrown out, but rather can be reused. Commissioner Aho questioned the need to install new railing along the stairs on the southside of the facility. He suggested this be on hold for the time being because there will be other railing work needed in other areas of the project and it would be good to have it all be the same design. Commissioner Burton said that this is a safety rail and it is broken to the point that someone could impale themselves on it and the stairs aren't going to be removed in the project, so it should be completed now. Commissioner Aho said that the amount of people that use those stairs especially this time of year is minimal. The money that the Port spends with such limited income we have to think about what we can afford. It's a fiscal issue and he hates to see the Port spending a lot of money on things that are going to be removed due to the project. Commissioner Burton disagreed and said that you can't say that the stairs aren't going to be used between now and the time that the project will begin; a contract probably won't be drawn up for construction for another year. Commissioner Aho retorted that the railing has been broken for years. Commissioner Burton



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agreed and said that he has been trying to get it fixed for over a year. He apologized for the length of time it has taken. Commissioner Buesch suggested a temporary fix by installing galvanized chain to be used as a railing and one of the Commissioners could install it. Commissioner Burton said that he has asked TIKAR for a proposal for the railing. It's not going to be a huge expense. It's a safety rail and it needs to be there.

Surveillance cameras – nothing to report.

Administrative – it was explained that the Interlocal Agreement (IA) between the Port of Illahee and the Port of Silverdale had been updated by the Port of Silverdale's attorney. There were no changes to the content but rather format. It was reviewed. *It was agreed to enter into the Interlocal Agreement with the Port of Silverdale to provide administrative services to begin January 1, 2022.* (motion by Burton; second by Buesch, unanimous).

NEW BUSINESS

Thanks to Commissioner Buesch for his service to the Port since December 2017. It was agreed Commissioner Buesch will be missed. Commissioner Aho asked if Commissioner Buesch had any last comments and/or any advice for incoming Commissioner Amber Bartz. Commissioner Buesch said that quite a bit has been accomplished within the past four years. He thinks good things are going to be happening down at the dock and as long as the engineering and guesstimated prices hold true, he thinks it is going to end up being a really nice facility for the Illahee community and public in general and he is happy and proud to have been a part of it. Commissioner Buesch said that he has talked

to Ms. Bartz quite a bit about the amount of work that is needed for this position. The Port in general is responsible for quite a bit of land and quite a bit of money overall and he thinks the Port of Illahee is headed in the right direction. Commissioner Aho questioned if Commissioner Buesch informed Ms. Bartz of the septic issues they dealt with onsite at the Dietch house. Ms. Bartz said she was made aware of that. Commissioner Aho said that he and Commissioner Buesch were down there cutting holes trying to figure out the issue. He can't imagine even a plumber working on that. He explained that there are instances where Commissioners just have to take the lead and get things done. Commissioner Buesch said that he mentioned to Ms. Bartz that the gutters at the Illahee store property need to be cleaned in the near future. Commissioner Aho said that he could do it, but Commissioner Buesch suggest to Ms. Bartz that she offer to hold the ladder. The roof is in good shape, just need to get the maples leaves out of the gutters. Commissioner Buesch told Ms. Bartz that if she ever needs any help with anything he is available. Commissioner Buesch said that he plans on attending upcoming Port meetings as he aspires to be similar to the Port's regular attendee, Roy Barton, who also has the Port's best interest at heart.

Oath of Office – Ms. Amber Bartz raised her right hand and recited her Oath of Office. She plans to stop by the Port of Silverdale office and sign her Oath tomorrow and Commissioner Aho will sign it after that. Congratulations to Commissioner Amber Bartz effective January 1, 2022 - welcome.

PUBLIC COMMENT – Ed seal congratulated Commissioner Buesch on a successful time on



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the Board and congratulated soon-to-be Commissioner Bartz and said that he is excited for the future of the Port. Mr. Seal said that in regard to Ms. Johnson's question about the revenue vs. expense report for the 5560 Ocean View property he had noted from last month's meeting that there was roughly a \$6,900 net income in 2020.


Ms. Johnson also congratulated Ms. Bartz and said that she was sure we would continue to see Commissioner Buesch at the meetings. Commissioner Buesch thanked Ms. Johnson for her input throughout his term and added that it's nice to have comments from people who know what they are talking about.

EXECUTIVE SESSION – None.

ADJOURN

At 8:55PM Commissioner Buesch moved to adjourn the meeting; second by Commissioner Burton; approved unanimously.

Approved:



Commissioner



Commissioner



Commissioner

