



Port of Illahee – Minutes of Regular Meeting on February 9, 2022

Port of Illahee
Minutes of Regular Meeting
February 9, 2022

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 6:36 PM. Also, in attendance were Commissioner ~~Jonathan~~ ^{Burton} ~~Buesch~~ ^{John}, Commissioner Amber Bartz; Administrator Theresa Haaland; John Piccone of SoundWest Engineering; Roy Barton; Jon Buesch; and Caleb Reese.

CONSENT AGENDA

The following consent agenda items were approved: February Meeting Agenda; January 12, 2022 Regular Meeting minutes; February 9, 2022 checks numbering 4843 through 4854 totaling \$3,040.99 as outlined in the attached Voucher Approval (motion by Burton; second by Bartz; unanimous).

PUBLIC COMMENT – None

John Piccone of Soundwest Engineering Associates was called on to provide an update of the Waterfront Access Project. Mr. Piccone apologized and said that at the December meeting he said that he would start in early January on the final design and update the Commissioners. He explained that Covid hit and has put his work on the project about a month behind. He explained that he did receive the preliminary feedback from Kitsap County Department of Community

Development (DCD) and the Washington State Department of Ecology (ECY). He and Commissioner Aho have had some discussion about the feedback and comments. He said that he understands that the Pollution Liability Insurance Agency (PLIA) have indicated that they want to start the cleanup work on the store this year, so he anticipates coordination with PLIA not only on the cleanup but for the site around the store as well. Mr. Piccone went on to explain that besides significant staffing issues, the DCD has permit review issues causing significant delays. The permit review issues are evident within the comments the DCD provided regarding the Waterfront Access Project. WestSound Engineering is currently working their way through the comments with the intention to develop a response to each of them, consistent to what Mr. Piccone has heard from the Port. Before submitting the response to the County, he plans to send it out to each of the Commissioners, well ahead of next month's meeting, for review and feedback.

Mr. Piccone provided a verbal summary of DCD comments. He said that the DCD had numerous comments related to landscaping, basically asking for a whole lot more landscaping than what had been submitted. It seems there are new, possibly junior, DCD reviewers following the letter of the law. Overall, the landscaping they are requesting isn't too significant and to the degree possible those changes will be made. They also requested a fully automated irrigation system, which can get expensive. Mr. Piccone recalled discussing this in the past with the Port and it was thought having drought resistant/tolerant plants in the area would be sufficient and would avoid the need of an expensive irrigation



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system. He is hopeful there may be a compromise, possibly adding sprinklers. His comments will be on the assumption that a full-blown irrigation system is not in the plan. Lighting of the parking lot was another DCD comment. They are saying it is required. Mr. Piccone said that besides sending in a formal response to the DCD's comments he also plans to set up a meeting at which he would request Commissioner Aho to attend. The parking lot lighting may be one of the items discussed during that meeting. Commissioner Bartz asked if the parking lot would be required to be open after dusk. If the dock is closed wouldn't the parking lot also be closed with no need for after-hours lighting. Mr. Piccone said that would be a reasonable response and closing is one option, although it is known that squid fishermen enjoy the Illahee dock after hours. He said that if the County is going to require it, lighting would become a working discussion in and of itself. First it needs to be determined if it is an absolute or if the County might be flexible with it. Commissioner Burton said that the majority of local neighbors will not necessarily like it. If it is on the same timer as the dock, it might be okay but it could be viewed as intrusive to surrounding neighbors. Mr. Piccone agreed and said that the pros and cons will need to be weighed, once we know the County's stance on it. He said within the concept design, the direction from the Port was not to include parking lot lighting because of the issues Commissioner Burton outlined. Commissioner Bartz said that she had thought there was a sign on the dock stating that it's closed at 10:00PM and so she was under the impression that the Port didn't want people out on the dock after that time for squid fishing or anything else. Commissioner Burton said that

the signs do say 10:00PM and the lights go out shortly after that time. It's hard because it becomes a safety issue. He said that there was also discussion about installing a security gate that was on a timer, but then you have the issue of boaters moored at the facility needing access at various times of the night and day. Mr. Piccone said that he will sort through it and that he thinks a detailed discussion on the lighting and the costs associated with it will need to be further discussed. Another comment by the County was for frontage improvements along Illahee Road to include 12' traveled lanes, a 5' bike lane and 6' sidewalk. It was questioned if the DCD personnel asking for these improvements have ever traveled along Illahee Road near the dock. Mr. Piccone said that although this is a common request, especially with big commercial projects, he is surprised because it's not practical in that area. Again, it seems the permit reviewers were going by the letter of the law for zoning. They plan to do a traffic review of all the frontage improvements once the Port has submitted the re-design. Commissioner Bartz said that it is not even possible to do what they are requesting with the limits along Illahee Road. She could understand a crosswalk and a light indicating slowing speed for pedestrian crossing, but the road would have to be widened to be compliant with DCD's request and it's not possible. Mr. Piccone agreed and said that more experienced reviewers would know that there are going to be variances in that area. He plans to include within his response the fact that it's not practical or physically feasible. Commissioner Burton agreed a crosswalk and a flashing yellow light would be beneficial to the area and he would really welcome installing



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speed tables. Although, he is in full support of bike lanes, it's just not possible. And since there is no sidewalk within a mile of that area, that shouldn't be required. With the amount of footage they are requiring, it would take the road with sidewalk all the way to the front door of the store. It's just not possible. Mr. Piccone agreed and said it would be well north of one million dollars with sidewalks leading to nowhere. Although that is what the DCD has requested, Mr. Piccone said that he can't imagine not being granted a variance. He further explained that they also asked a lot about the use of the existing launch ramp and discussed impervious surfaces within the 100' shoreline buffer zone.

Mr. Piccone provided a brief summary of the ECY comments that were sent to the County. He said that ECY provided a three-page letter introducing their comments. They started by stating that they are supportive of the project and that the policy of the Shoreline Management Act (SMA) is to increase public access to publicly-owned shorelines. From there, the next several pages outlined their comments. The first comment was that the lower-level parking area is within the shoreline buffer zone and they consider it a non-water-oriented structure and a non-preferred use, which should not be allowed. Another comment they provided is that it appeared that the boat ramp would be for hand-launched vessels only, based on the fact that there is no parking for vehicles with trailers. And in that case the lower roadway would also be considered a non-water-oriented structure and should therefore be removed and replaced with a walking path to access a hand-launch ramp and the pier. They also stated that if trailer

boats are intended, then the lower roadway would be justified but should be realigned as a straight road between the ramp and Illahee road. Mr. Piccone plans to articulate why he sees that as a bad idea. He said that it has always been his understanding that it would be used for small trailerable boats, which was also a requirement for one of the grants that were received. Commissioner Burton said that he thought the Port didn't allow trailerable boats ever since someone tried to launch and nearly took out a pillar at the 5500 Illahee Road house. From his knowledge the Port hasn't allowed it. Mr. Piccone said that he doesn't remember it the same as Commissioner Burton states. The RCO was told that the ramp would be available to small trailerable boats, which was the criteria for one of the grants. The area right above the boat launch has enough room for a smaller vehicle with trailer to maneuver out from the ramp. He understood that it wouldn't be available for larger boats, but it would support smaller watercraft.

Commissioner Burton said that it was his understanding that the parking above the launch would be restricted to Americans with Disabilities Act (ADA). Mr. Piccone said that ECY concludes that if that ramp is for hand launch only then the road would be removed and replaced with just a walking path. ECY recognized the Port was trying to provide ADA access to the pier and the launch ramp and they thought that would be possible without a road, but to have an ADA walking path with that slope it would have to be a continual switchback path taking up most of the space. Commissioner Aho said that some of the people who have the 10' to 12' sailboats or sea-doo's would benefit from the launch, not big vessels. He agreed with Commissioner



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Burton that the way it is now with the current situation, the Port doesn't want any vehicle in that area as at one time, as Commissioner Burton mentioned, one of the support beams of the house was bumped into and nearly fell off the base. Once the house is removed, it will free up the area to allow for access of small watercraft. Commissioner Burton asked that if it is made available for small watercraft, will we need a trailer parking area. Mr. Piccone said no, and reminded everyone that this was talked about early on in this process when it was determined that realistically the trailer parking would take up way too much regular parking. It was thought that anyone wanting to launch small watercraft would park off-site, possibly at their home nearby. He envisioned it being a launch for small watercraft; 12' fishing skiff, kayaks, sea-doo's, etc. A launch aimed at supporting smaller watercraft. Commissioner Bartz said that adequate signage stating "no trailer parking" allowed would be necessary, but she does worry that someone with a big truck and trailer might try to use the launch. Maybe signage "for small trailers only" could also be posted. She said that she has seen canoes and kayaks in the back of trucks and could see that this would be of great benefit to those users. Mr. Piccone said that he doesn't anticipate people coming from very far away to access the launch, but rather more of local use. Commissioner Bartz said that she knows from experience that Illahee State Park is packed on the weekends and if people hear that there is a launch just up the road that could be problematic. Commissioner Aho said that with the 18 – 20% slope he can't imagine someone with a big rig and trailer/vessel trying it. He thinks the layout of the project will eliminate the issues. Mr. Piccone went on to

report that ECY also takes issue with the restroom building, as they see it as non-water-oriented structure and that it should be moved upland out of the shoreline buffer zone. Mr. Piccone said overall ECY took a hardline with it all. He sees it all as relative to water; parking in and of itself isn't water related, but in order to get to the water you have to have a place to park. He plans to talk to DCD about ECY's feedback as it's totally unfeasible and constructing a facility to their standards would create a place that not many would enjoy. Commissioner Aho reminded everyone that early on, he and John Piccone met with RCO representatives on site. One of the RCO representatives was, Rory Calhoun, who is confined to a wheelchair. Mr. Calhoun was supportive of the project. It might be worth mentioning. With ECY's comments about the restroom, it would need to be located one-hundred feet from the shoreline, which would be half way up the hill. That definitely wouldn't be ADA accessible. Mr. Piccone agreed and said that even an older person or someone with minimal disability would have a problem accessing a restroom half way up the hill. Mr. Piccone said that based on what he has heard in the past and from tonight's meeting, he will prepare comments and circulate them to all the Commissioners for feedback, prior to sending them to the DCD. He asked that each Commissioner respond to him directly. He said that it could be in a public meeting, but the reply to the County needs to take place prior to mid-March at the very latest and with the next Port meeting falling on March 9th, he would prefer to get ahead of this. If all the comments from the Commissioners are in clear agreement, then he will know he can proceed. He can also talk one on one with each of the



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Commissioners and if there is anything else that needs further discussion it can be talked about at the March meeting. He added that there may be some items that would qualify for discussion during Executive Session and if that is the case, he will let the Port Administrator and Commissioner Aho know ahead of time. Commissioner Aho asked if the Commissioners responses should be made to the County separately. Mr. Piccone suggested that just one response be made to keep it easy to understand. He said the smoothest way is for him to frame it up initially and send it to the Commissioners and if there is disagreement the individual Commissioners would be encouraged to reach out to Mr. Piccone for further discussion and he can reformulate the response as needed with any further disagreement being brought up at the March meeting. He said that he thinks it will come down to him and Commissioner Aho having a face-to-face meeting with County personnel, but again he plans to send out the initial reply to all the Commissioners individually for feedback. He clarified that it is his understanding that the Port Commissioners plan to keep the road and the lower parking area near the boat launch as outlined within the current design and that they don't desire ECY's suggestion of a long ADA walking path to the boat launch down the hill nor moving the restroom half way up the hill. He explained that the County and Federal permitting are the factor at this point. He doesn't see the engineering as being an issue. Commissioner Burton said that he saw one comment from the public to the County and asked if there were any other comments from the public. Mr. Piccone said that he was aware of the comment Commissioner Burton referred to and

that the general nature of that comment is one that has been heard in the past, basically that a nearby property owner doesn't want to see change, as they are concerned it will draw negative activity to the area. Mr. Piccone explained that there was also a comment from the Tribe making sure that the Port and contractors would be mindful of any cultural resources that could be uncovered during construction. Mr. Piccone said that most of the comments of significance were from DCD and ECY as discussed.

Jon Buesch asked if he could provide public comment. Commissioner Aho said yes and encouraged others to comment on the topic. Mr. Buesch said that regarding the parking lot lighting, granted the dock closes at 10:00PM, but with the store across the street, chances are people will be parking in the dock's parking lot. Especially if the store property is going to be a business meeting area, the Port would want the parking lot lighted for liability reasons. He also asked that the Commissioners consider the business that will be going into the store building. Lighting in the parking lot may be necessary and before totally dashing the idea of lighting in that area, he hopes the Commissioners will consider the big picture including the store and the possible uses of the store. He thinks there should be some kind of lighting. Commissioner Aho mentioned that the street light right across from Commissioner Burton's house is probably sufficient to light up that area.

Roy Barton said that regarding the irrigation system, keep in mind the North Perry Water bill can run high in the summertime and that would have to be budgeted with funds that might be



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limited down the road. Mr. Buesch said that he was required to install an irrigation system on a project and he did, but after about a year when the plants had matured, he turned it off. He said it was just easier to appease the County and money ahead, as you never win up against the County.

REPORTS/UNFINISHED BUSINESS

Loan/Line-of-Credit – the bond closed on January 31, 2022. It will need to be planned accordingly, when it's time to draw the funds.

Grants/Waterfront Access Improvements – Commissioner Aho said that with regards to the filtration system, he talked with Mr. Piccone about it and they determined it could cause some problems. He said that the roadway drainage, with all the chemicals that are supposedly detrimental to salmon, continues to drain down into the waters at the dock. The County at one point was interested in cleaning it up. Now is the time for the County to move forward with the Port on this. Mr. Piccone is concerned that it will negatively affect the permitting and with all of the other DCD issues he is dealing with, he doesn't necessarily want to deal with that. If the County can use infrastructure money to do it, now is the time. Commissioner Aho said that he was looking for input from the other Commissioners about this. Should he reach out to the County's Stormwater division and pressure them on it? Otherwise, it may get done in the future after the Port has completed the project and the County may need to come in and dig everything back up. Commissioner Burton said that he thought it would be worthwhile figuring it out now in conjunction with the Port's project. It would be wrong if once the Port's project is

complete, the County comes in wanting to install the filtration system. He agrees it is prudent to get it done now. The sooner the better as the costs could become astronomical. We should at least try to get it done now, although we don't want it to delay our project waiting for the County to think about it. Commissioner Bartz said that it sounds feasible to try and get it done now along with our project, while we are tearing everything up. It makes a lot more sense than the County coming in a few years from now to do it. She agreed that continually pestering them or periodically putting a bug in their ear might help in the long run. Commissioner Aho said that it's really not much different than what the Port is doing with the Pollution Liability Insurance Agency (PLIA) and the Illahee Store project, attempting to work in coordination together just makes sense. Commissioner Bartz agreed getting it all taken care of at the same time, if we can, is of benefit. Commissioner Aho said that he will plan to call the County Stormwater Division and tell them when the infrastructure money becomes available the Port wants the filtration system taken care of.

Treasurer's Report

As of January 31, 2022 the General Fund totaled \$101,653.75, Investments totaled \$277,298.60 and the balance of the Good Property Management (GPM) account totaled \$200.00 for a total of \$379,152.35.

Reports

Website – Commissioner Aho reported that he hasn't yet been able to figure out how to get the Surface Water Management Plan (SWMP) added to the website. He knows the County has it in electronic format, he just needs to figure out how to do it.



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Properties

5560 Ocean View Boulevard/Rental Property –

Commissioner Bartz had nothing to report at this time. Mr. Buesch was asked if he had anything to add. He said that there were no issues with having the 5560 Ocean View Boulevard property separated from the Illahee Road lot because there was enough unused and usable drainfield potential on the 5560 Ocean View Boulevard lot. So, the two properties are no longer tied together and the extra lot can be used for whatever the Port determines necessary. In talking with Dave of Dave's Septic, he had suggested that if the 5500 Illahee Road property's septic cannot be used for the Illahee Store, then a line could be run on the west side of Illahee Road underneath Ocean View down to the Illahee Road lot to be used as a drainfield for the Illahee store. Mr. Buesch suggested that until everything is complete the Port hold on to the Illahee Road lot. If it is determined that it is not needed in the future, it could be sold as it would have very little benefit to the Port, but hang onto it until everything is determined.

The insurance coverage for the house has been increased to \$650,000. A check to Enduris in the amount of \$885 was included within tonight's Voucher Approval.

5500 Illahee Road/Rental Property – nothing new to report on this property.

5507 Illahee Road/Illahee Store Property –

Commissioner Aho explained that he signed a Terms of Agreement form provided by PLIA. It included the authorization of \$7,500 to be paid from the Port's PLIA Loan and Grant Program funds for the Petroleum Technical Assistance Program (PTAP) fee.

Dock/Pier – Commissioner Burton reported that TIKAR was provided with the final sign to be posted. He met with TIKAR personnel onsite and based on the discussion from the previous meeting, TIKAR will not be fixing any more lights on the pier as the replacement bulbs and/or fittings are too expensive. That can wait to be included with the pier upgrades. He thinks the working light will suffice for the time being and we will have to just deal with the complaints as they come in and explain to the individuals the process.

TIKAR estimated that the basic repair of the stair railing would run anywhere between \$500 and \$1,000. It would be on a time and material basis. Angle iron would be used and they will also cut off the rebar that is sticking out of the ground, making that area safe for the upcoming season.

The weather and tides have not been conducive for TIKAR to replace some of the broken fasteners. Commissioner Burton clarified that the fasteners hold the runners that hold the wheels in the track on the ramp, so it's not the runners that are being repaired but rather some of the fasteners need to be replaced. The project is daytime low-tide dependent and that is why it hasn't yet been completed.

Commissioner Burton reported that TIKAR has been tasked with power washing the entire dock, which should take place sometime in mid-March. Commissioner Burton said that continual cleaning of the docks is important to keep it in good shape.

An email exchange starting on February 2, 2022 between Commissioner Burton and Pat



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Spradling was reviewed. Mr. Spradling was hoping to moor his 36' sailboat for approximately a month at the Illahee dock, while he would be out of town. Commissioner Burton replied that the Port doesn't have the facilities, such as security, power, sewer, water, that Mr. Spradling needed and besides that the Port has a policy of no more than a 72-hour use within a thirty-day timeframe. If the boat might be vandalized while it was there, the Port may be liable. Mr. Spradling responded explaining he doesn't need power or water and that it might be for only two weeks. Commissioner Burton sent a reply stating that the Port cannot accommodate him. Commissioner Burton had been advised from another Kitsap Port Commissioner that he should have included the fees that would be incurred if Mr. Spradling decided to moor his vessel at the Illahee dock for more than 72 hours. Commissioner Burton said that he tried not to be too inflammatory with his response, but did make it clear that if Mr. Spradling moored his boat at the Illahee dock for more than 72 hours he would owe fees at \$100 per day and the vessel would be declared a derelict. Mr. Spradling's response was that he would get the Port of Illahee shut down and became threatening after Commissioner Burton requested Port staff to add the email string to the Port's meeting agenda packet, warn other County Ports about the situation and provide the information to the Port's attorney. Commissioner Burton explained that at the time because of Mr. Spradling's threatening response, he thought that maybe this should be shared to the other Ports as there seems to always be discussion during the Kitsap All Ports meetings about sharing or warning each of the Ports if/when situations,

such as this, arise. Commissioner Burton's final response to Mr. Spradling informed him that the Port is trying to treat him fairly by letting him know the limitation on the Port's ability to provide the services he requested. He wished him good luck in his search and included that the Port cannot provide the services he requested. This seemed to appease Mr. Spradling as his response showed that he was just mainly concerned that the Port was going to inform other Ports and make it so that he can't moor at other places. The Port's attorney was provided with this email feed, but the information was not forwarded to the Kitsap County All Ports group. Commissioner Burton said that he was not trying to incite Mr. Spradling, but rather inform him that the Port doesn't have the services he would need as we are not a marina. Also, everyone needs to be treated the same and others in the past have asked for extended moorage and were denied. We can't allow some and not others. Commissioner Aho said that there are other Ports in the area that can accommodate and agreed Illahee cannot.

An email dated February 7, 2022 from Bemrose Consulting, Inc. asking for a rental reference for an individual was received. It was determined that the individual did live at the 5500 Illahee Road property for a time, but was not on the lease so Bemrose Consulting was informed a rental reference could not be provided.

Surveillance cameras – tabled.

NEW BUSINESS

Setting the 2022 meeting calendar – *It was agreed to adopt Resolution 2022-02 Establishing*



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the 2022 Regular Meeting Schedule (motion by Bartz; second by Burton; unanimous).

Visa card – former Commissioner Buesch turned in his Port-issued Visa card. It has since been destroyed and the account was closed. It was questioned if a card should be issued to newly elected Commissioner Bartz. Commissioner Aho said that with the upcoming renovations at the Illahee store property, it might be a good idea as there may be times it is needed. Commissioner Bartz said that if she could get by without it, she would rather not have one. It was explained that she could always pay for items and be reimbursed. Commissioner Burton said that the card can also be used for travel, which usually takes place in October when Commissioners attend the Washington Public Ports Association Small Ports Seminar in Leavenworth. Ms. Bartz said that if she decides to have a card issued, she will coordinate with Port staff.

PUBLIC COMMENT – Mr. Barton confirmed that there is not a lease in place between the Port and the 5500 Illahee Road property tenant and asked about the 5560 Ocean View property. Commissioner Bartz explained that according to Good Property Management (GPM) the tenants at 5560 Ocean View did refuse to enter into a year lease, but have signed a month-to-month lease. Mr. Barton said that he would think the Washington State Auditor might take issue with there not being a lease in place for the 5500 Illahee Road property. Commissioner Aho said that since the tenant at the 5500 Illahee Road property has been in there for the last ten or eleven years without a lease and with the upcoming project starting later this year, he doesn't see

why the Port would now require a lease. Mr. Buesch said that he agreed with Mr. Barton that a lease should be in place and normally a lease would have some sort of thirty-day notice to terminate from either party. Commissioner Burton said that he talked to her several month's ago and told her that based on the discussion with the Port's engineer, nothing should be happening prior to this coming fall, meaning she should be able to remain leasing the house until that time. He said that if it is agreed that a lease will be drawn up, he would request that the conditions/terms remain equivalent to the current conditions/terms. Commissioner Aho reiterated that he doesn't see why, at this point in time, the Port would now require a lease. Mr. Buesch said that it makes it all legal and protects the Port. Commissioner Aho asked what it protects the Port from. It was agreed to table this item.

EXECUTIVE SESSION – None.

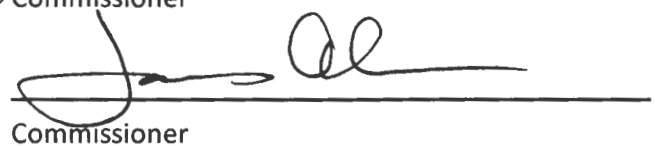
ADJOURN

At 8:07PM the meeting adjourned (motion Bartz; second Burton; unanimous).

Approved:



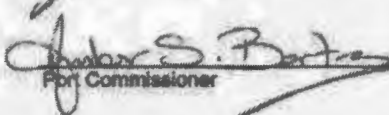

Commissioner


Commissioner


Commissioner



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| INTERIM 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 \$3,040.99 and from the General Fund; this <u>9th</u> day of <u>February, 2022</u> . | | | |
|  Port Director | |  Port Commissioner | |
| | |  Port Commissioner | |
| Number | Name | | Amount |
| 4843 | JAMES AHO | | 256.00 |
| 4844 | AMBER BARTZ | | 256.00 |
| 4845 | JOHN BURTON | | 256.00 |
| 4846 | CASCADE NATURAL GAS | | 8.78 |
| 4847 | HONEY BUCKET | | 93.70 |
| 4848 | NORTH PERRY AVENUE WATER DISTRICT | | 55.91 |
| 4849 | PUGET SOUND ENERGY | | 89.52 |
| 4850 | WASTE MANAGEMENT | | 22.97 |
| 4851 | WASHINGTON PUBLIC PORTS ASSOCIATION | | 300.00 |
| 4852 | ENDURIS | | 885.00 |
| 4853 | PORT OF SILVERDALE | | 750.00 |
| 4854 | WASTE MANAGEMENT | | 68.51 |
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