



Port of Illahee – Minutes of Regular Meeting on July 13, 2022

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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 Amber Bartz; Commissioner John Burton; Administrator Theresa Haaland; John Piccone of Sound West Engineering; Roy Barton; Jon Buesch; and Ed Seal.

CONSENT AGENDA

The following consent agenda items were approved: July Meeting Agenda as submitted; June 8, 2022 Regular Meeting minutes; July 13, 2022 checks numbering 4899 through 4909 totaling \$10,558.69 as outlined in the attached Voucher Approval (motion by Burton; second by Bartz; unanimous).

SIGNING OF DOCUMENTS – Commissioners agreed to stop by the Port of Silverdale office within the next couple of days to sign documents.

PUBLIC COMMENT – None

REPORTS/UNFINISHED BUSINESS

Grants/Waterfront Access Improvements – John Piccone provided a summary of the pier inspection conducted by a structural inspector. The concrete columns near the entrance of the pier have some major defects. A discussion of

the options for replacement will eventually be necessary. The ZOOM screen was shared with Mr. Piccone and he provided pictures of the deteriorating pilings. He explained that of all of the timber support pilings, thirteen have major to severe damage. However, of those thirteen several have a somewhat healthy piling adjacent to them. So of the thirteen, it is anticipated that eight will need to be replaced immediately. Mr. Piccone explained that this was pretty much expected. He went on explaining that numerous fender piles are severely decayed and some pose a navigational hazard. All along it was planned to remove them. A couple of the timber piling cross bracings need to be replaced, but overall the cross bracings are in pretty good shape. The timber piling caps, the horizontal beams spanning between the pilings, are in pretty good condition with just some minor to moderate degradation. They will be monitored. Mr. Piccone said that the one big unexpected takeaway is the concrete columns, as they are not actually pilings, but rather precast in place, which is not adequate. He provided pictures of these columns. Horizontal lines were evident on them and Mr. Piccone explained that those lines are an indication that they were cast in place. Besides the lines there was noticeable rust, which Mr. Piccone explained was from rebar that is somewhat close to the surface and once the rebar is compromised the load capacity is radically reduced, which is extremely concerning. He said that he has noticed some potential inconsistencies between the current inspection and the original 2010 inspection report. He plans to look into those inconsistencies prior to generating a high-level breakdown of options to provide to the Commissioners along with the structural



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report. Commissioner Aho questioned how many of the columns will need replacement. Mr. Piccone provided a schematic of the current pilings and explained that ten of those columns need to be replaced. He explained that is his main concern at this point. He said he will provide the Commissioners with the final report and his preliminary recommendations with costs sometime within the next three weeks.

Mr. Piccone said that the Department of Ecology (ECY) contacted Kitsap County about the Waterfront Improvements. ECY requested that the vault restroom be relocated to the back side of the lower parking area, moving it further from the shore. Mr. Piccone provided a schematic of the land portion of the project via the ZOOM screen. The schematic showed the new location of the restroom in an effort to accommodate ECY's wishes. Mr. Piccone explained that because of the grading issues it was a difficult request, but he was able to provide a solution as shown in the schematic. He explained that the overall footprint stayed about the same. He didn't want the parking and viewing area behind the restroom so shifted things north a bit and added some additional bench seating throughout. He added shoreline planting where the restroom was originally placed, which ECY usually favors. The updated design has been submitted to the County for approval. Mr. Piccone reported that he spoke to the County a few days ago and although they were non-committal, they were somewhat positive indicating that they were nearing the end and may not have many more comments so basically getting close to finalizing the staff report, which means they are almost done with

finalizing the shoreline permit. He said that he will keep the Commissioners informed if there are additional comments/issues or if/when he is notified it has been finalized.

Mr. Piccone reported that the United States Army Corps of Engineers (USACE) permit is completely stalled as a result of the Suquamish Tribe's objection. A letter was sent to the Tribe on June 10, 2022 requesting a meeting. The Tribe has not responded. Mr. Piccone suggested Commissioner Aho send an email to the Tribe in hopes that correspondence directly from a Port Commissioners might have a stronger impact in an effort to receive a response. Mr. Piccone plans to coordinate with Commissioner Aho tomorrow to draw up the letter. Mr. Piccone spoke with attorney Tim Schermetzler of Chmelik Sitkin and Davis, the law firm that is going to assist the Port with this issue if it doesn't resolve itself. It was suggested that if there is no response from Commissioner Aho's request that an additional request be sent at the end of July. Every contact to the Tribe will be documented, as it may be needed to provide to the USACE if it gets to that point. A meeting with the Tribe is necessary because without that communication the Port can't really assess what adjustments are needed to alleviate their concerns. Mr. Piccone said that he plans to continue to work with attorney Schermetzler and Commissioner Aho in an effort to contact the Tribe and hopefully set up a meeting. The whole intent of the meeting would be to determine the details of the Tribe's concerns.

Commissioner Burton explained that in viewing the updated Waterfront Improvement schematic, he noticed that the location of the



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new restroom is in the area of the current septic system at the 5500 Illahee Road property. Mr. Piccone agreed and explained that during the demolition all of the septic system will be removed as he doesn't want all of those parts and pieces under the new infrastructure. All of that will be removed.

Roy Barton suggested the Port call the Tribe and maybe follow-up with a letter as a personal phone call might help. Mr. Piccone said that we could try that, although in the past he hadn't had success with a phone call. He had called the Tribe early on to inform them of the project and invite them to an on-site meeting. Although it wasn't everything Mr. Piccone had hoped for, they did respond at that time, but since then there has been little to no response.

Apparently, there has been some turn around at the Tribe and it is thought they are very busy. Mr. Piccone said that he thought having Commissioner Aho sending an email to the Tribe and then maybe following-up with a phone call, might be a good avenue to take.

Mr. Piccone reported that he performed an in-depth review of the County code in relation to the Illahee Store site renovation and he saw nothing that would prevent the maintenance project approach as discussed during last month's meeting. He plans to proceed and order a detailed topographical survey of the store site. From there a detailed maintenance renovation plan, septic design, water design (if needed), and any minor drainage improvements can all be prepared so that a right-of-way, building and septic permit applications can be prepared. It is hoped the County will agree to the maintenance project, which will alleviate having to deal with more in-

depth requirements such as stormwater requirements. Commissioner Aho is hopeful that when the County realizes the Port is working with the Pollution Liability Insurance Agency (PLIA) to clean up the property and doing a service to the area, they will be more willing to work with the Port on this project.

Mr. Piccone said that they plan to submit another grant reimbursement request in August for design and permitting work to date. He recapped upcoming milestones and action items. He plans to schedule a topographical survey of the store site and has a meeting scheduled with the PLIA contractor on July 29th. He also will contact a certified septic designer. He explained that he has worked with two septic designers and knows that they both do good work. Mr. Piccone said that he would like to get a septic designer on board within the next month or two. He plans to explore the septic design, existing water service and anticipated future wet utility needs. After that the building and site permits will be pursued. And in the meantime, he will continue to push forward with the USACE and the Tribe and keep Commissioner Aho informed with the status with hopes to have some sort of response from the Tribe by next month's meeting. Mr. Piccone said that he is hopeful the County will finalize the shoreline permit by next meeting. The design is currently at sixty percent, he has held off on it until things are more finalized. Once the shoreline permit is final, he will move forward with a ninety-five percent design for the upland work. After that a County Site Development Activity Permit will need to be pursued. It's mainly related to stormwater. Mr. Piccone hopes the upland work can begin in early 2023.



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Once he receives the indication from the County that there are no additional big changes, he will begin moving forward with the ninety-five percent design. Unfortunately, the dock improvements are slowed down since the USACE permit is basically on hold until the Tribe's concerns are determined, addressed and alternative options are agreed upon.

Jon Buesch asked if the concrete columns might actually be wood pilings covered in the concrete cast. Mr. Piccone said that it does not look like there is timber under the columns. Commissioner Burton said that the refuse from the old concrete pilings, that the columns probably replaced, were left on the beach which tells him they put in a new design piling and that there is no wood inside, but rather they just replaced some of the already failing concrete pilings. Mr. Piccone said that the old concrete refuse has been identified for mitigation credit towards this project. Mr. Buesch asked if a picnic table could be installed in the area where the restroom was originally going to go, in addition to some vegetation. Mr. Piccone said that he thought that was a great idea, but at this point wouldn't want to muddy the waters related to the permit phase.

Mr. Buesch addressed Commissioner Aho saying that since Commissioner Aho volunteers with the Illahee Preserve and has worked with Allison O'Sullivan of the Tribe in the past, maybe within the email that is going to be sent to the Tribe, it can be mentioned that Commissioner Aho also volunteers with the Preserve, reminding the Tribe of all the good work that has been done within the Preserve and maybe persuading their offense of the

Port's Waterfront Improvement Project. Mr. Piccone said that at this point it seems to be a communication issue with the Tribe. His intention is to document every attempt the Port has made reaching out to the Tribe as there may come a day that the Port is making its case to the USACE.

Mr. Buesch asked Mr. Piccone if he was ever able to contact Dave of Dave's Septic. Mr. Piccone said that he didn't as he had heard that although Dave is still in business, he has had some personal trouble making him unavailable.

Mr. Piccone said that he and Commissioner Aho have talked to the County about the hope that they will get their outfall filtration system figured out in coordination with the Port while the area is under construction. Another benefit of moving the restroom is that it frees up a lot of space in that general area. He said that he plans to keep communicating with the County about the project.

Mr. Barton asked that if the Tribe doesn't change their stance against the Waterfront Improvement project, making it so the project cannot move forward, will the Port be required to return the grant money to the RCO? Mr. Piccone said that he doesn't see the RCO requiring the money to be repaid and he would be very surprised if the Port were to lose all of the grant money. The County's Shoreline permit is on course for finalization, which is related to the upland work. The USACE permit is for the overwater work. Basically at this point, if the Tribe continues to ignore the Port's request for a meeting then the Port will approach the USACE and explain the situation.



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From there it would be up to the USACE to make a decision. If it is agreed that treaty rights are being infringed, the USACE would inform the Port as to how they are being infringed upon at which time the Port should be provided a chance to make changes. If it comes to that the RCO would need to be involved at that time. It could impact the amount of grant funding, but Mr. Piccone doesn't believe the entire grant would be nullified.

Commissioner Aho said that regarding Ms. O'Sullivan, in the past she generally hasn't responded via phone. He said that he thought that she is probably just so busy with work, but an email might generate a response from her. The letter the Port initially received was from the Tribe's legal counsel. Mr. Buesch said that he might be personally meeting with someone affiliated with the Tribe in the near future and he might mention the issue to that person in hopes to receive some insight. If he does, he will inform Commissioner Aho about it outside of a regular meeting.

Mr. Piccone reiterated that at any time anyone has any questions and/or concerns to please don't hesitate to call him.

Chmelik Sitkin and Davis had provided an Engagement Letter dated June 21, 2022. The Commissioners were provided the letter via email prior to the meeting and had reviewed it. No signature was required.

Illahhee Store Project

Discussed under 5.1.

Treasurer's Report

As of June 30, 2022 the General Fund totaled \$116,946.65, Investments totaled \$277,917.68

and the balance of the Good Property Management (GPM) account totaled \$200.00 for a total of \$395,064.33.

Reports

Website – Commissioner Aho continues to regularly update the website.

Properties

5560 Ocean View Boulevard/Rental Property –

The Port received an email dated June 20, 2022 explaining that the overgrowth along the Ocean View property was causing a sight visibility hazard. GPM had been contacted as it was believed to be the tenants responsibility. Commissioner Bartz explained that she had followed up with GPM and believes it has been taken care of as she has driven that way many times since and hasn't noticed a problem with sight visibility in that area. She also talked to GPM about the electrical work that was supposed to take place at the premises. Commissioner Bartz reminded everyone that the last time the electrician was scheduled to go to the house the tenants were not home. GPM then informed the tenants that they will need to call the office to set up a time for the electrical repair. They haven't called GPM, so it is believed the electrical repair needed is minimal.

5500 Illahee Road/Rental Property – nothing to report.

5507 Illahee Road/Illahee Store Property –

The Port received a letter dated June 6, 2022 from North Perry Avenue Water District informing that the meter to the Illahee store property will be taken out of dormant status, so the Port can anticipate receiving a bi-monthly



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bill of approximately \$56, not including consumption.

Illahsee Road Lot – Commissioner Aho said that if all goes as planned and the Illahee store septic can be installed onsite, it will free up this lot to possibly be sold in the future.

Dock/Pier – Commissioner Burton reported that the most used day for the porta-potty is July 4th. The current facility seems adequate as there were no issues during that time. He has noticed in the past that people will sometimes bring up bikes and other debris they found in the water and leave them near the garbage receptacle. Not too much lately though. He explained that he responded to an email from Thomas Goodham a project manager of Biomass asking if it was possible to moor a 52' vessel for two nights at the dock and if not, can the vessel be anchored out near the dock. Commissioner Burton response explained to Mr. Goodham that the floats are not generally able to handle such a large boat and that the outboard float is only 53' feet long. He added that the real limitation is the weight of the vessel and if it is a heavy draft then it could not be moored at the Port as the pilings are very old and the Port is looking at replacing them. He also informed Mr. Goodham that anchorage is available.

Commissioner Aho explained that just minutes before tonight's meeting he received a call from a community member informing that there is a board loose on the outer float.

Commissioner Burton said that he will check it out and if he can't repair it himself, he will contact TIKAR.

Surveillance cameras – tabled.

NEW BUSINESS

Illahsee Day – Commissioner Burton said that he had hoped we would have been further along with the grant process as we are not yet ready to claim success. Commissioner Aho said that Illahee Day is normally held in September and maybe by then we will have more of a definitive idea of where we are headed. He knows a lot of people in the community look forward to the event. He suggested it remain on the agenda for further discussion next month. Commissioner Bartz asked about the details of the event in the past. It was explained the event normally takes place on a Saturday afternoon. Commissioner Aho said that it really takes a lot of work and coordination. Ms. Bartz explained that since the event would fall on a Saturday in order for her to be able to attend, she would need at least a month's notice. Mr. Barton said that with possible cost overruns on the Waterfront Project the \$500 - \$600 normally used for Illahee Day may be needed. Commissioner Aho said that if he is approached by community members about the event he will ask if they want to spearhead it and a budget will be determined. This will remain on the agenda for next month.

PUBLIC COMMENT – Mr. Buesch explained that regarding the vegetation overgrowth at the 5560 Ocean View property, in the past that has been the tenant's obligation as outlined within the lease and that the Port should not be paying for it. Commissioner Bartz said that as far as she knew GPM took care of it. GPM was alerted to it upon receipt of the email complaint and GPM was told that it was believed to be the tenant's responsibility. It was noted that the July rental payment was for the full amount



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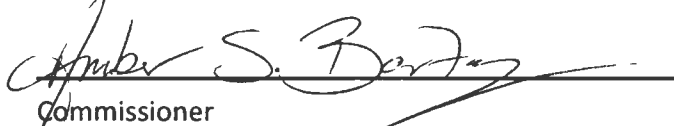
EXECUTIVE SESSION – At 7:43PM it was announced the meeting would enter into Executive Session for approximately ten minutes to discuss real estate.

At 7:53PM the meeting returned to Regular Session. No public were waiting to reenter the ZOOM meeting.

ADJOURN

At 7:54PM the meeting adjourned (motion Bartz; second Burton; unanimous).

Approved:


Commissioner


Commissioner


Commissioner

