

# **PORT COMMISSION OF THE PORT OF EDMONDS**

## **MINUTES OF REGULAR MEETING**

**December 8, 2008**

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### **Commissioners Present**

Fred Gouge, President  
Bruce Faires, Vice President  
Mary Lou Block, Secretary  
Jim Orvis  
Marianne Burkhart

### **Staff Present**

Chris Keuss, Executive Director  
Marla Kempf, Deputy Director  
Tina Drennan, Finance Manager  
Kevin Danberg, Port Operations Supervisor  
Norm Mannhalter, Security Supervisor  
Chris Osterman, Accounting/IT Technician  
Todd Campbell, Port Operations

### **Others Present**

Amy Allison, Port Attorney  
Karin Noyes, Recorder

### **CALL TO ORDER**

Commission President Gouge called the meeting to order at 2:00 p.m.

### **PLEDGE OF ALLEGIANCE**

All those in attendance participated in the Pledge of Allegiance to the American Flag.

### **INTRODUCTION OF STAFF**

Ms. Kempf introduced Todd Campbell, who was hired by the Port in August to work in the Marina Operations Office. She also introduced Norm Mannhalter, who was recently promoted to the Security Supervisor position that will be vacated when Dennis Olson retires at the end of December.

### **APPROVAL OF CONSENT AGENDA**

Item B was removed from the consent agenda.

**COMMISSIONER BURKHART MOVED THAT THE REMAINDER OF THE CONSENT AGENDA BE APPROVED TO INCLUDE THE FOLLOWING ITEMS:**

**A. APPROVAL OF AGENDA.**

- C. APPROVAL OF CHECK NUMBERS 5354 THROUGH 5370 IN THE AMOUNT OF \$1,610.58 FOR TENANT REFUNDS.
- D. APPROVAL OF CHECK NUMBERS 67018 – 67044 INCLUDING DIRECT DEPOSITS D00244 THROUGH D00255 IN THE AMOUNT OF \$63,203.69 FOR PAYROLL.
- E. APPROVAL OF CHECK NUMBERS 67045 THROUGH 67080 IN THE AMOUNT OF \$19, 318.50 FOR ACCOUNTS PAYABLE.
- F. APPROVAL OF CHECK NUMBERS 10823 THROUGH 10833 IN THE AMOUNT OF \$5,096.17 FOR HARBOR SQUARE ACCOUNTS PAYABLE.
- G. APPROVAL OF NORTHEAST PARKING LOT – GRAVEL AND COMPACTION

COMMISSIONER FAIRES SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

**APPROVAL OF NOVEMBER 24, 2008 COMMISSION MEETING MINUTES (Item B on the Consent Agenda)**

COMMISSIONER FAIRES MOVED THAT THE MINUTES OF NOVEMBER 24, 2008 BE APPROVED AS AMENDED. COMMISSIONER BURKHART SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

**PUBLIC COMMENTS – NON AGENDA ITEMS**

No one in the audience expressed a desire to address the Commission during this portion of the meeting.

**SPECIAL PRESENTATION BY EDMONDS HOMESCHOOL RESOURCE CENTER – NEW WEATHER VIDEO**

Mr. Keuss reminded the Commission that the Port partnered with the Edmonds Homeschool Resource Center to provide videos for the Port’s weather station. He announced that a representative from the school was present to introduce the third video production.

**Ron Dalton, Edmonds Homeschool Resource Center**, introduced Lorraine Beason and Victoria Felix, the students who wrote the script for the new video and did most of the shooting. He presented the new video production, which explains convergence zones.

The Commission thanked the students and Mr. Dalton for their great video, and Mr. Keuss indicated staff would attempt to have the new video available at the weather station by the end of December. Commissioner Faieres inquired if the students would like the video productions to become an annual event. Mr. Dalton said that is the school’s desire.

**2009 ELECTION OF OFFICERS**

COMMISSIONER BURKHART MOVED THAT THE COMMISSION ELECT COMMISSIONER FAIRES TO SERVE AS PRESIDENT OF THE PORT COMMISSION FOR 2009. COMMISSIONER ORVIS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

COMMISSIONER ORVIS MOVED THAT THE COMMISSION ELECT COMMISSIONER BLOCK TO SERVE AS VICE PRESIDENT OF THE COMMISSION FOR 2009. COMMISSIONER BURKHART SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

**COMMISSIONER ORVIS MOVED THAT THE COMMISSION ELECT COMMISSIONER BURKHART TO SERVE AS SECRETARY OF THE PORT COMMISSION FOR 2009. COMMISSIONER FAIRES SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Faires thanked Commissioner Gouge for doing a great job as president of the Commission in 2008. The remainder of the Commission concurred.

#### **RESOLUTION NUMBER 08-11 – 2009 COMMISSION MEETING SCHEDULE**

Mr. Keuss referred the Commission to the proposed 2009 Commission Meeting Schedule. He noted that only one regular meeting was scheduled for July and December. The second meeting of each of these months would be a short meeting to approve the payables. Staff is proposing that the May 25<sup>th</sup> meeting be rescheduled to May 26<sup>th</sup> to accommodate the Memorial Day Holiday. Commissioner Burkhardt suggested that the special meeting scheduled for January 5<sup>th</sup> (joint Woodway Town Council/Port Commission Meeting) be added to the list.

Commissioner Block raised a concern that the language in Section 1 of the draft resolution could prohibit the Commission from starting an executive session before 6:00 p.m. Mr. Keuss reminded the Commission that, as required by the State Auditor, the Commission has started all executive sessions with the regular meeting and then adjourned to an executive session. He clarified that the Commission would have the ability to start regular meetings and executive sessions earlier or later, but they would have to advertise the different times.

Council Member Wambolt suggested that the May 26<sup>th</sup> meeting be conducted in the afternoon so the City Council representative could attend both the Port Commission meeting and the City Council meeting later that evening. The Commission agreed to start the May 26<sup>th</sup> meeting at 2:00 p.m. Commissioner Faires reminded the Commission that they also need to hold a special meeting to discuss employment issues prior to the January 12<sup>th</sup> meeting. The Commission agreed it would be appropriate to schedule this special meeting for January 7<sup>th</sup> at 9:30 a.m.

**COMMISSIONER BURKHART MOVED THE COMMISSION APPROVE RESOLUTION NUMBER 08-11 AFFIRMING THE SCHEDULE AND LOCATION OF THE PORT OF EDMONDS COMMISSION MEETINGS FOR 2009 PER ATTACHMENT A, WITH THE ADDITION OF A JANUARY 5<sup>TH</sup> SPECIAL MEETING STARTING AT 5:00 P.M., A JANUARY 7<sup>TH</sup> SPECIAL MEETING STARTING AT 9:30 A.M., AND A SPECIAL START TIME OF 2:00 P.M. FOR THE MAY 26<sup>TH</sup> MEETING. COMMISSIONER FAIRES SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

#### **WALER REPLACEMENT PROJECT**

Mr. Keuss announced that staff went out to bid to replace the waler side boards on J, K, and L Docks due to their deteriorating condition. He noted that it is becoming harder for staff to get a tight fit for some of the cleats on the walers due to their condition, and this is becoming a safety issue. He advised eight bids were received. The low bid was reviewed for compliance, and Shoreside Marinas was the lowest responsive bid. Staff recommends the Commission approve their bid for a total cost of \$51,057 plus sales tax.

Commissioner Faires suggested it would be helpful for staff to compare the low bid with the amount identified in the capital budget for the waler project. Mr. Keuss replied that the capital budget identifies \$70,000 for this project.

Commissioner Gouge expressed concern about the wide range of bid prices. Mr. Keuss pointed out that the two lowest bids were fairly close at \$51,057 and \$54,880. The third lowest bid was for \$73,300 from AMO Construction, who has done work for the Port in the past. He noted that Shoreside Marinas has done work in the Puget Sound area, and he is comfortable they can do the job.

**Jack Bevan** asked what type of wood is identified in the specs. Mr. Keuss said the product would be treated lumber. Mr. Bevan noted there are a lot of different kinds of treated lumber, and some last longer than others. Mr. Keuss pointed out that the Port's engineering consultant, Berger Abam, provided specifications for the bid, and they are consistent with the specifications that were prepared for the M and N Dock Replacement Project. In addition, Berger Abam has verified that this is the type of wood that should be used for the marine environment. Commissioner Burkhart suggested that Mr. Bevan share his knowledge about the best wood types for marine environments with staff.

**COMMISSIONER FAIRES MOVED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT WITH SHORESIDE MARINAS TO REPLACE THE WALERS AND OTHER ASSOCIATED MATERIALS IN THE AMOUNT OF \$51,057.00 WITHOUT SALES TAX. COMMISSIONER BLOCK SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

### **DRAFT 2009 CAPITAL BUDGET**

Mr. Keuss reminded the Commission that they reviewed the draft 2009 – 2013 Capital Budget at their November 24<sup>th</sup> meeting. They recommended that no changes be made at this time, recognizing that before moving forward with any of the capital projects, staff would present them to the Commission for approval. He specifically recalled that the Commission agreed to leave in \$425,000 for the restroom project in the event that grant funding is made available at some point during the year. He reported there is a slight chance the Port would receive a Recreation and Conservation Office grant if some organizations decide not to move forward with their projects. However, it is important to keep in mind that the Port's project was 11<sup>th</sup> on the list of priorities, and only seven projects would be funded. In addition, Mr. Keuss reported that he submitted the Port's restroom plans to the Governor's Office at the request of one of her aids. Because the project is ready to move forward now, it may be eligible for funding as part of a future stimulus package. Commissioner Block emphasized that if other funding sources do not come through, the Port would not move forward with the new Restroom Complex Project in 2009.

Commissioner Faires said he supports the proposed 2009 – 2013 Capital Budget as presented, given its purpose. The majority of the items are soft and may not happen in 2009, depending on circumstances as the year progresses. Mr. Keuss reminded the Commission that it is important for the Port to approve a capital budget each year because some funding opportunities and grants require the document approved by the governing body.

**COMMISSIONER BURKHART MOVED THAT THE COMMISSOIN APPROVE THE 2009 CAPITAL BUDGET AS PRESENTED. COMMISSIONER FAIRES SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

### **2009 COMMITTEE ASSIGNMENTS**

Mr. Keuss referred the Commission to the draft 2009 Committee Assignments. He suggested the Commissioners review the committees and notify the incoming Commission President of those they are interested in serving on. The Commission could review and approve the list on January 12, 2009. He noted that one new assignment was added to the list. Commissioner Faires has been invited to serve on the City of Edmonds Transportation Committee. Commissioner Faires clarified that while he would serve on the Transportation Committee as a representative of the Port, it is important to keep in mind that the Port has not been guaranteed a standing position on the committee.

Commissioner Orvis inquired if Edmonds Crossing is still a viable committee. The Commission agreed that the committee assignment should remain on the list until a final decision about the Edmonds Crossing Project has been made.

As the 2009 Commission President, Commissioner Faires invited the Commissioners to forward their recommendations regarding the list to him as soon as possible. He would prepare an updated draft for the Commission's final approval on January 12<sup>th</sup>.

### **REVIEW OF PORT WEBSITE**

Mr. Keuss recalled that each year staff provides a report to the Commission regarding the updates that have been made to the Port's website. He introduced Chris Osterman, the Port's IT Technician, who has done a remarkable job of keeping the web site accurate and up to date.

Mr. Osterman reviewed the changes that have been made to the Port's website throughout 2008, specifically highlighting the following:

- A special link icon was added to the home page for links that do not fit into any of the categories.
- A video tour promotional video was produced for the Port by a company called E Local Links. The video can be accessed via the home page.
- The 2008 flower program web page was updated to add the new flower types that were used in 2008. It also identifies the items that were used in the public plaza area.
- The Harbor Square page was updated to include a listing of businesses in each building. However, some businesses indicated they did not want to participate.
- A map of the Port District was added, as well as an interactive map of the guest moorage area. The updated guest moorage page helps interested people find the information they want, and the end result has been a reduction in the number of calls to the Port.
- The website now provides the current fuel price at the fuel dock.
- Links were added to access other ports, the coastal waters forecast, the Washington Public Port Association, etc.
- The weather center equipment and network were upgraded so that weather data could be updated every two minutes.

Mr. Osterman said that although the Destination Port of Edmonds Program does not currently have prominent placement, it is staff's goal to complete this page as soon as possible. They plan to include an interactive map that identifies the location of all of the businesses who participate in the program. He noted that about 75% of the participants have their own websites, which could be accessed via a link on the Destination Port of Edmonds page. They are in the process of creating a shrubs page to outline the types of shrubs used at the Port, as well.

Commissioner Faires said the web page is great and he can't think of anything that needs to be changed. He commended Mr. Osterman for his excellent work. Mr. Osterman pointed out that his overall goal is to make the website as simple as possible for the user. He said he has studied several pages from other Ports and found them to be much too busy and difficult to navigate.

Commissioner Burkhart said it is great that the updated webpage has reduced the number of calls to the Port. She suggested Mr. Osterman continue to work with staff to find out what they get the most calls about and then try to provide the information on the website. Mr. Osterman agreed that is important to do. He said that staff already uses the website as a tool when answering phone calls, and they try to let people know when information can be easily accessed from the website.

Commissioner Gouge commended staff for listening to the customers and attempting to address their needs via the website. He asked if the webpage would be made available at the Port's booth at the next boat show. Mr. Osterman said they tried to provide the web page at the last boat show, but the people were not really interested in using it. Commissioner Block suggested that staff at least play the video presentation at regular intervals throughout the show.

Mr. Osterman suggested that perhaps staff could prepare some type of multi-media presentation utilizing pieces of the website.

Commissioner Gouge pointed out that the Port has an excellent security staff. Not only should the website focus on the Port being a great marina, but they should emphasize that it is a secure marina, as well. The website should let people know that the Port provides 24-hour security. Mr. Osterman agreed. He also noted that they are preparing a page that highlights the Port's efforts to become a green marina.

Jim Blosssey said the Port's website is one of the more informative websites he has seen. He congratulated Mr. Osterman on his efforts and asked if he has a count of what is driving the public to the website. Mr. Osterman said he has a lot of data to identify where the hits are coming from. Mr. Blosssey suggested that this is important information to have since it enables the Port to publicize the webpage so more people visit it.

### **EXECUTIVE DIRECTOR'S REPORT**

Ms. Kempf reported that it does not appear the Port's fuel supplier would deliver ethanol fuel to the fuel dock until after the first of the year. The Anacortes Refinery has decided not to go with ethanol fuel right now, but staff has done everything they can to prepare for the change. They have confirmed that the underground fiberglass tanks would be compatible with the new fuel type, and the flexible fuel lines that go from the land to the fuel dock would be replaced later this week. This would necessitate a fuel dock closure on Wednesday and Thursday, which has been advertised to the public. She noted that staff received three estimates for the project, and they selected the lowest bidder who is very familiar with doing underwater work.

Ms. Kempf reported that she attended a boatyard committee meeting last week to discuss what the group's response to the permit that was issued by the Department of Ecology (DOE) would be. The Northwest Marine Trade Association (NMTA) would prepare a written response on behalf of all boatyards. In addition, she has asked Landau Associates to prepare a written response on behalf of the Port. All responses must be submitted by December 31<sup>st</sup>. She further reported that the DOE has scheduled a public meeting on December 22<sup>nd</sup> in Lacey, Washington at 1:00 p.m.

Commissioner Orvis indicated he would attend the meeting on behalf of the Port, and Ms. Kempf agreed to put together some critical talking points for Commissioner Orvis to take with him to the meeting. Ms. Kempf noted that the NMTA is not planning to send a representative to the public hearing. She said that at the boatyard committee meeting, it was discussed that 12 months worth of water samples was part of the negotiated agreement between the NMTA and Puget Soundkeepers Alliance. However, it is important to keep in mind that the concession was made in exchange for other things. All boatyards at the meeting agreed that additional paperwork would be required as a result of the additional samples, but the biggest impact of the change would be that the boatyards would reach the Level 3 Response much quicker. She noted that the chance of passing the tests would be next to impossible, particularly if new equipment is not installed. She noted that, currently there is no equipment that would enable boatyards to meet the new zinc level requirements. Boatyards agreed that part of their response to the DOE should be that they are willing to collect the samples each month to provide data, but the sample results should not be held against them for Level 3 Response if there is no technology available to improve the situation.

Ms. Kempf reported that James Tupper, the attorney that helped the boatyards through the appeal process, informed the boatyards that the DOE permit would only be good through 2012. By the time it is issued, the permit would only be good for 17 months, and then they will have to start the entire process again. When the State issues permits that could have major impacts on small businesses, they are required to complete a small business impact study, which has not been done yet. In order to have the necessary resources for this study, the DOE must wait until the next permit is issued.

Ms. Kempf summarized that the boatyard committee concluded that they would ask the DOE to evaluate the Level 3 Responses based on the five months prior. They would also ask the DOE to take into account the fact that the economy has changed drastically since the agreement was settled and many small boatyards would be unable to get loans to purchase new technology. They also plan to bring up their concerns that the permit requirements would have a significant negative impact to small businesses.

Mr. Keuss reported on the following items:

- The Christmas Ship would be at the Port this evening.
- The Edmonds Yacht Club has invited the Commissioners to attend their Holiday on the Docks Celebration on December 13<sup>th</sup> from 4:00 to 7:00 p.m.
- The opposing attorney for the Blackwater lawsuit has finished his depositions, and the Port's Attorney, Anderson Hunter, has indicated they would begin their deposition process in January.

### **COMMISSIONER COMMENTS AND COMMITTEE REPORTS**

Commissioner Burkhart reported on her attendance at the Woodway Town Council Meeting on December 1<sup>st</sup>, where they discussed the Regional Fire Authority concept. It was reported that it appears Edmonds would likely agree to participate in the regional program. Council Member Wambolt clarified that the Edmonds City Council has not made a decision yet. Commissioner Burkhart questioned if the Port would automatically become a part of the regional fire authority if one is formed, or if they would be able to make their own decision. She suggested Mr. Keuss research the concept more and provide a report to the Commission at a future meeting. Council Member Wambolt explained that all that is needed is a majority of the communities to vote in favor of the regional fire authority. The rest of the communities would then be required to join.

Commissioner Burkhart advised that the Woodway Town Council Meeting was held at Rosary Heights because they had a party for George Stead, who is retiring from their Planning Board. Their December 15<sup>th</sup> meeting was cancelled.

Commissioner Orvis reported that he and Ms. Borth attended the Open Government Seminar and received a packet of good information for the Commissioners to review. The people in charge of the event were high powered lawyers from law firms in Seattle who have worked with public records litigation in the past. They made it clear that the public records requirements must be taken very seriously, and they offered the following direction:

- Port cell phones or computers should not be used for personal contacts.
- The Port's legal counsel should be present at all executive sessions where real estate or litigation is discussed.
- If an executive session ends earlier than what was announced, the Commission cannot start the regular meeting early.
- If the Commission adjourns to an executive session after a meeting, they must announce how long it will last. If it goes beyond that time, someone has to come back and inform the public who is present at the regular meeting that the time would be extended.
- After all executive sessions, the Commission must reconvene back to a regular meeting and then adjourn.
- The Port must keep a record of all emails that are sent and received, and this will require special software that enables them to retrieve the documents upon request. The software is expensive.
- The Port can charge people for the cost of copying the public records, but they cannot charge for the search time.

Ms. Drennan suggested it would be appropriate to provide training to all staff so they know the correct procedure for handling public records requests.

Commissioner Gouge reported on his attendance at the December 2<sup>nd</sup> Edmonds City Council Meeting at which the Edmonds School District presented their Capital Facilities Plan and received favorable support from the City Council. They also approved their 2009 Operating Budget as per the Mayor's Option 1. Several resolutions to add or remove

items from the budget were presented and voted upon. Although Council Member Wambolt encouraged the City Council to consider ways to increase revenue to the City such as raising the building heights, the majority of the City Council voted to ask the citizens to support a tax increase in early 2009. A committee was formed to discuss what tax increase should be presented to the public to raise the \$4 million that is needed to balance the budget. He said he agrees with Council Member Wambolt that the City of Edmonds needs to research other options for coming up with additional revenue besides increasing taxes.

Commissioner Block announced that Elizabeth Mitchell has been selected as the new Woodway Town Council Member, and she recently provided her with a tour of the Port facilities.

Commissioner Gouge announced that the City Council would sponsor a reception for Council Member Deanna Dawson on December 16<sup>th</sup> at 6:30 p.m.

### **ADJOURNMENT**

The meeting was adjourned at 3:45 p.m.

Respectfully submitted,

Mary Lou Block  
Port Commission Secretary