

**PORT OF POULSBO
MEETING AGENDA OF
December 15, 2011**

1. OPEN MEETING

2. OPEN MEETING TO PUBLIC COMMENTS (LIMIT 3 MINUTES)

3. COMMISSIONER COMMENTS

4. CONSENT AGENDA ITEMS

(Next Res. 2011-17)

All matters listed within the Consent Agenda have been distributed to each member of the commission for reading and study, are considered to be routine and will be enacted by one motion of the commission with no separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by a Commission member or by citizen request.

- A. Approve meeting minutes of December 1, 2011.
- B. Warrants: 11131-11156, P10515-P10522, ACH 12/09/11
in the amount of \$43,680.92.

5. OLD BUSINESS ITEMS

- A. Armory Parking Lot Project – Update - Port Manager
- B. “C” Dock Project – Update - Port Manager
- C. Shoreline Master Plan – Port Manager

6. NEW BUSINESS ITEMS

- A. Items for public comments/motions/discussions
- B. Accountant’s Report – Carol Tripp/ Accountant/ Staff Auditor
- C. Port Attorney – Greg Norbut
- D. Managers/Maintenance Report – Port Manager

7. OPEN TO PUBLIC COMMENTS: (LIMIT 3 MINUTES EACH)

8. COMMISSIONER COMMENTS

9. EXECUTIVE SESSION

10. ADJOURN MEETING

PORT OF POULSBO
BOARD MEETING MINUTES
DECEMBER 15, 2011
7:00PM

ATTENDEES: COMMISSIONER BOCKUS; COMMISSIONER DECARLO; PORT MANAGER, KIRK STICKELS; PORT ACCOUNTANT AND AUDITOR, CAROL TRIPP; PORT ATTORNEY, GREG NORBUT; SECRETARY TO THE COMMISSIONERS, ANDREA NIX.

PUBLIC ATTENDEES: GLEN GILBERT; PORT COMMISSIONER ELECT, JAMES RUTLEDGE; CITY COUNCILMEMBER, DAVID MUSGROVE; PORT OF INDIANOLA COMMISSIONER, JOAN WALD AND HUSBAND, STEVE WALD; SUE AND JOE DAZEY, F/V DIAMOND 'LIL.

1. Chairman Bockus called the meeting to order at 7:00pm.
2. Public Comments -

Councilman Musgrove: I have seen the construction company working on the Armory parking lot everyday. They are picking away at it. It's interesting to watch the transformation; I wish we had a time-lapse camera.

Commissioner Bockus: They have window of time in which they have to respond, and it is in their best interests to complete it within that window.

3. Commissioner Comments -

Commissioner Bockus: I went to the City council meeting last night and sat through the budgeting. It was a quick meeting.

4. Consent Agenda -

Commissioner DeCarlo: I want to postpone approving the minutes (Item A). I didn't have time to read through them thoroughly, and I noticed that there are several things I'd like to address.

Consent Agenda item B.

5. Old Business -

A. Armory Parking Lot - Update - Port Manager

Kirk Stickels: The site is transforming, as Councilman Musgrove pointed out. At our last meeting I reported that we had to do some over-excavation to stabilize footings below the ecology blocks, which has been accomplished. At the same time, we put in

the curtain drains, or the drain tiles, behind the blocks. The block wall that you see there now is the finished configuration. We began to address a couple of the curtain drains today, and we found what I think will be just the first of many unseen artifacts below the grade. We found a very large block of concrete near the building to the south, the mortgage company building. We gave the contractors direction to saw-cut that as apposed to going in with a hydraulic pick. It was too close to that building, and may even be a part of that foundation. We will put our curtain drain down through it. There is also a curtain drain that no one knew of that was probably attached to the Armory at one time. It ran to the south toward the mortgage company building, and that building was tied into it also. So we will be disconnecting that and putting a clean-out in, so that it will continue to serve its original purpose for the mortgage company, but it will be removed from the Port's side of the property because of the new configuration of the drainage.

Commissioner Bockus: I drove by today, and I see where they have taken soil out. Is that for the purpose of leveling the grade?

Kirk Stickels: They haven't begun removing much, yet. What you saw was removed for that catch basin.

Commissioner DeCarlo: How low does the retaining wall go into the ground, and if we begin excavating soil, will we go below the footings for that wall?

Kirk Stickels: No, the bottom of the wall is at the new grade.

Commissioner Bockus: It would be nice if we could negotiate with Martha and Mary to see if they would be willing to have those blackberry bushes removed, now that the lot has been leveled.

B. "C" Dock Project – Port Manager

Kirk Stickels: The staff has gone through the responses we got back from companies on our Small Works Roster for construction of the landing and float. There was a spread of slightly more than \$10,000 between the highest and lowest bids. After discussions with the different bidders, there was only one option that was put in, and that was to use aluminum box sections for the float instead of timber. We weighed the different options, and spoke with the design engineer of the float, and we have elected to stay with our original design criteria of timber. We awarded the contract to Thompson Pile Driving, who was the low bidder. They have begun putting together their orders for wood and material. Work has probably begun on that today.

C. Shoreline Master Plan (SMP) – Port Manager

Kirk Stickels: At this point, we haven't seen anything posted on the City's or the Planning Commission's websites, as far as when the first meeting will be when the

Planning Department will present the SMP, in the present draft form, to the City Council. At the last Planning Commission hearing the meeting had been set for the third City Council meeting in December.

Councilman Musgrove: I have a note saying it is on December 21st.

Kirk Stickels: I also checked the website to see if there was a new draft that we could look at, to see the final verbiage that had been settled on by the Planning Commission. It is not available there, either. As I understand, the City Council has received a large document, but I am not sure which version they have. At the hearing, I expressed that it would be beneficial for everyone to have the same draft to look at.

Commissioner Bockus: As we said at the last meeting, it is a lot of information for Carrie Weaver to go through and compile into the document.

Kirk Stickels: I'm assuming that, since some of the Council Members have received a draft, there is something compiled.

Councilman Musgrove: I don't know if what we have is complete at this point.

Commissioner DeCarlo: Did you read the article about the Port Orchard SMP planning that they were doing? I think they took a more liberal stance than what Poulsbo is doing.

Kirk Stickels: During this process I have passed on examples from four other jurisdictions where there were different approaches taken, what I can only describe as more liberal approaches, where there wasn't an over-prescriptive application of the guidelines set forth by the State. It appears to be what they are doing at Port Orchard, where the County, I believe, is leading the SMP.

Commissioner DeCarlo: I brought that up at the Council meeting. I asked why we should be more restrictive, when it is basically taking away property from owners.

Kirk Stickels: I haven't had any communications with the Mayor's office to establish a joint meeting between the Board and the City Council to look at the SMP. It may be more beneficial to the process if the two agencies have the opportunity to look at the SMP, as it's presented so far, and discuss their different points. We could offer some dates.

Commissioner DeCarlo: Will the Planning Department pass on all of the communications we have had with the Planning Commission? I think what we should do is make a copy, and send one to each member of the Council. So that when we sit down and start talking about it, they will have our points ahead of time.

Councilman Musgrove: After the Planning Commission settled on the review of the draft, we received three big reports, which were more than we've had in twenty years and they all came in the last month. They are the TNDL, and the Federal and State studies of Liberty Bay. The Council will have to see what impact those will have on what we decide for shore management.

Kirk Stickels: The State has a schedule for the adoption of the SMP. I'm not sure if it is realistic. For us to hurry through this project would not be good for us. I've heard it is as early as February, which I think is far too soon.

Commissioner DeCarlo: I thought the same thing, and I think that we should bring it up at the next Council meeting.

6. New Business -

A. No items for public comments/motions/discussions.

B. Accountant's Report -

Carol Tripp: In your packets, you have the Summary of Financial Statements for the eleven months ending November 30, 2011. There was a net gain for the month of November in the amount of \$16,804.21, and a net gain for the year of \$68,294.85. During the month of November the Port received \$25,452.25 from real estate and personal property taxes. The Port has received \$254,254.28 year to date in property taxes. Also, the grant for the pump-outs on the fuel dock and on C dock have been resubmitted to the State in hopes of receiving 100% funding for those. We should know by January 31, 2012. Even if we don't receive the 100%, we will still have the 75%/25% split.

C. Port Attorney -

Attorney Norbut: The four-foot strip deed has been recorded with copies provided to the City. I have retained copies for the Port and myself, as well.

D. Managers/Maintenance Report -

Kirk Stickels, Maintenance Report: 1.) One of the new pump-out units that we purchased with the grant has been installed, and the new plumbing has also been installed. So we have upgraded everything from the vessel pump-out and port-a-potty dump with new plumbing all the way back to the City line. It took a few days to complete. There was some fabrication that we put in, and we have updated a lot of the plumbing we had. The crew has also installed a new bracketing system, which will be a mount for the light, and a place for the hoses and the plumbing. The down time was less than 8 hrs for the vessel pump-out, and approximately two days for the port-a-potty dump. We are now working on putting together the instructions to post near the pump-out. 2.) We are working with Foxfire Protection to set up a time

by the first part of January to have the extensions taken out to the heads of C and D docks, so that plumbing will be in location. That was a part of the second grant we put in for, and as of now is the 75%/25% split that may be 100% after Carol's submittal for total-cost coverage.

Kirk Stickels, Managers Report: 1.) We have been in contact with the insurance companies, and it looks like they will be sending us a check for the damages to the office, the dock and the piles, from the boat accident. The total cost, including man-hours and materials, came to about \$2,100. The insurance adjustors had questions about what we did, which we clarified. With staff doing the work, we only had to bring in a contractor to take care of the gutter. 2.) As Carol pointed out, the Washington State Parks Department contacted us about the possibility of 100% coverage for the grants. Carol has a good contact with them. 3.) The Argosy ship came in last night on a caroling tour. The carolers were from North Kitsap. The ship was full. It docked here around 5:45PM and was here for about two hours, and then it went on the tour. We also have one individual on the board of the HDP, who we are hoping will talk to that organization about the Sound Runner, to set up shopping trips over here where we will provide the moorage. I have a meeting tomorrow morning with a gentleman from the Steamship Master. I met today with a couple of the members from the Northwest Steam Society, which is the group in Puget Sound, on the Canadian side, and we are trying to coordinate an event between the two societies. The Northwest Steam Society is also closely tied to the Poulsbo Boats. Many of those were restored and have steam engines. We are looking at arranging it together with the Classic Yachts, which is usually held in September. We are trying to facilitate, and not take the lead on the combined rendezvous.

Commissioner DeCarlo: Would you also try to bring in steam tractors and other machines?

Kirk Stickels: Our experience with use of the park in the past has not been good, so we were just sticking to the water vessels, at this point. Different clubs could make their own arrangements with the City.

Councilman Musgrove: If you could coordinate with the other landside steamers, and bring it the Economic Development Committee, we could spearhead it, like we are doing for the car shows on Viking Way.

Commissioner DeCarlo: The dad of a good friend of mine built a small steam engine that you could sit in. After my friend's dad passed away, he brought it back from California. It runs back and forth on a short track, and the kids in the neighborhood would take rides. I would contact him to see if he would bring it to the park.

7. Public Comments –

Sue Dazey: I just want to let you know that this weekend will be out last weekend, wrapping up our selling season for the year. I wanted to express our thanks to the

Port. This is a great Port. We always feel that it is very presentable. It is well kept and well managed, and all the customers that are coming down the dock see that, and we are really pleased to be here.

Commissioner Bockus: It is a pleasure to have boaters, such as yourselves, who bring your professionalism into the Port. Thank you.

Commissioner Wald: I have just been appointed Commissioner of the Port of Indianola, and this is the first meeting I have attended at another Port.

Commissioner Jim Rutledge: I'd like to thank everyone in the community who voted for me, and say thank you for the community support that I got. I look forward to serving the best interests of the Port, and the Port Constituents, and I will try to do a good job for you.

8. Commissioner Comments -

Commissioner Bockus: This will be my last meeting as position number two, and we will start off the new year with a new board. It has been an exciting past six years, and I am happy that I will be around as the appointed Commissioner, filling Glen's seat.

9. Executive Session -


Board and staff adjourned to Executive Session with a decision to be made.

10. PORT OF POULSBO BOARD MEETING FOR DECEMBER 15, 2011 ADJOURNED AT 9:15PM.



COMMISSIONER BOCKUS

COMMISSIONER GILBERT



COMMISSIONER DECARLO

SECRETARY TO THE COMMISSIONERS,
ANDREA NIX

PORT OF POULSBO
SPECIAL BOARD MEETING
DECEMBER 28, 2011
10:00AM

ATTENDEES: COMMISSIONER BOCKUS; COMMISSIONER DECARLO; PORT MANAGER, KIRK STICKELS; PORT ACCOUNTANT AND AUDITOR, CAROL TRIPP; PORT ATTORNEY, GREG NORBUT.

1. Chairman Bockus called the special meeting to order at 10:00am and turned it over to Commissioner DeCarlo, who had requested the meeting.

Commissioner DeCarlo: In reviewing what the State has sent, "We would recommend that the Port work with legal council, the County Auditor, and Washington Secretary of State's office, as necessary, to determine the appropriate answers to these questions." They are throwing the ball back in our court.

Commissioner Bockus: The purpose of the meeting is to ascertain the appointment of Commissioner Bockus and his continued appointment.

Commissioner DeCarlo: The question was whether it was legal for one Commissioner to appoint another Commissioner. The State law basically says, no. It says that when you are down to one Commissioner it is necessary for the County Commissioner to come and make the appointment.

Attorney Norbut: I'm not sure if it does say that, exactly. When I read the statute, it says that where one position is being filled, the remaining members, in the plural, of the governing body shall appoint the position. There is an issue with regard to whether or not the fact that it says remaining members in the plural requires that it be more than one. As a consequence, Commissioner DeCarlo and myself felt that, in order that we error on the side of caution, it may be advantageous to ratify the action of the petition in terms of the appointment of Commissioner Bockus, and actually have two parties vote on that. We discussed whether it would give rise to a conflict of interest. I researched the Robert's Rules of Order, that specifically provides that in the event of a conflict of interest you cannot be prohibited from voting, but it's an ethical issue. Here, given the fact that there is no other candidate, I don't believe that it's an ethical issue at all, but with a view towards taking the most conservative approach, prudent practice would dictate that we ratify the appointment that we have done previously by voting on it again with both of you participating in that vote.

Commissioner DeCarlo: Then, based on our legal council, I will reaffirm my appointment of Mr. Bockus, and I'll ask for a vote around the table.

Commissioner Bockus: Yes, I'd just like to - (interrupted)

Commissioner DeCarlo: Let me retract that motion. First, let me say a few things. We could wait until January 1st. I will again make the appointment, but if the other City (Port) Commissioner decides that he does not want to vote for you, then it would go to the County Commissioners. We would then contact the County Commissioners to see what their feelings are. I also found out, in talking to our former Secretary, one of the engineers on the Kingston Ferry lives next to the Commissioner elect. He was approached by the Commissioner to put his name in the hat. The engineer commented that it was already closed, but the Commissioner said that that doesn't matter. So it almost seems that the objection is not merely towards procedure, but also that he has someone in mind that he would like to see appointed.

Commissioner Bockus: I think that's a well-founded thought, that there is someone else that he has in mind.

Commissioner DeCarlo: The fact that the fellow lives right next door to him brings up a serious question.

Attorney Norbut: There is clearly some manipulation that is occurring. I think that it is unfortunate, but again, in terms of the legal analysis, you can make the appointment on your own. As a matter of being overly cautious, a ratification of your appointment, I think, would be a good idea. I think we need to do that before the end of the year, and then have the swearing in, as we previously contemplated, occur at our first meeting in 2012. That appears to be appropriate. I don't mind saying that this is undoubtedly a case of first impression. If someone wanted to take this up, and actually challenge it, they would have to fill a suit with the Superior Court. If they did that, they would have no other case law to reference, because, again, this would be a case of first impression. So, I think the most important thing is that we do this in good faith. At this point, we have no alternative. We only have one applicant, and as it were, we don't have any choice in order to make the Port function properly.

Commissioner DeCarlo: (To Commissioner Bockus) Did you have something else that you were going to say? I interrupted you.

Commissioner Bockus: No, that goes along with what was in the back of my mind, that the Commissioner elect had someone that he wanted to see in this position. So, with that, go ahead.

Commissioner DeCarlo: Then, I will reaffirm my previous appointment of Commissioner Bockus, and we will now take a vote around the table.

Commissioner Bockus: Bockus, ey.

Commissioner DeCarlo: DeCarlo, ey.

Commissioner DeCarlo: Having done this, we feel that we have done what is legal, according to our council, and we see no other objections to it in the State law. The only way it can be challenged, at this point, is through the courts.

2. PORT OF POULSBO SPECIAL MEETING ON DECEMBER 28, 2011 ADJOURNED
10:30A



COMMISSIONER BOCKUS



COMMISSIONER DECARLO

SECRETARY TO THE COMMISSIONERS,
ANDREA NIX

PORT OF POULSBO

PAYMENT VOUCHER

Post Office Box 739
Poulsbo, WA 98370

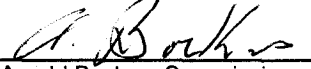
Kitsap County, WA

December 16, 2011

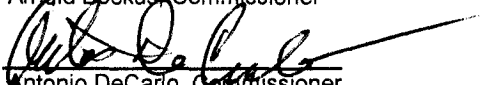
We, the undersigned Board of Commissioners of the Port of Poulsbo, Kitsap County, Washington do hereby certify that the merchandise or services hereinafter specified have been received and that the vouchers listed below are approved for payment in the amount of

\$32,621.15

and from the General Fund, this 16th day of December 2011.


Arnald Bockus, Commissioner


ATTEST:


Antonio DeCarlo, Commissioner


Andrea Nix, Recording Secretary

Voucher #	Claimant	Amount
11131	Adam Onstott	82.14
11132	Dan Jensen	60.00
11133	City of Poulsbo	1,359.14
11134	CenturyLink	496.74
11135	Tom Brandt	185.00
11136	Puget Sound Energy	3,453.47
11137	WA State Dept of Revenue	2,259.63
11138	Associated Petroleum Products, Inc.	9,996.49
11139	AT & T	67.66
11140	Bainbridge Disposal Inc.	107.76
11141	Bank of America	53.69
11142	Cass/Cade Distributing, Inc.	42.91
11143	Coast to Coast Hardware	103.40
11144	Fisheries Supply	185.55
11145	Home Depot	130.55
11146	James Lumber & Ace Hardware	4.46
11147	Kitsap Networking Services	178.00
11148	Navy City Metals	49.14
11149	Office Depot Credit Plan	902.41
11150	Olympic Springs, Inc.	34.61
11151	Regence Blueshield	11,862.14
11152	Sound Publishing	302.50
11153	Kitsap Sun	524.00
11154	Verizon Wireless	45.51
11155	Washington Public Ports Association	115.00
11156	Melanie Winnett	19.25
TOTAL		\$32,621.15

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, the labor performed, or the expense incurred as described herein and that the claim is a just, due and unpaid obligation against the Port of Poulsbo and that I am authorized to authenticate and certify to said claim.


Port Auditor

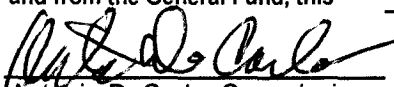
PORT OF POULSBO

PAYMENT VOUCHER

Post Office Box 732
Poulsbo, WA 98370

Kitsap County, WA December 9, 2011

We, the undersigned Board of Commissioners of the Port of Poulsbo, Kitsap County, Washington do hereby certify that the merchandise or services hereinafter specified have been received and that the vouchers listed below are approved for payment in the amount of \$8,347.62 and from the General Fund, this 9th day of December 2011.


Antonio DeCarlo, Commissioner

ATTEST:

Andrea Nix, Recording Secretary


Arnold Bockus, Commissioner

Voucher #	Claimant	Amount
P10515	Richard Stice	\$1,481.09
P10516	Brady Miller	\$1,177.06
P10517	Jannese Petersen	\$1,040.94
P10518	Carol Tripp	\$1,654.24
P10519	Melanie Winnett	\$1,102.64
P10520	Charles Schmidt	\$465.98
P10521	Jonathan Davis	\$56.54
P10522	Kirk Stickels	\$1,369.13
TOTAL		\$8,347.62

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, the labor performed, or the expense incurred as described herein and that the claim is a just, due and unpaid obligation against the Port of Poulsbo and that I am authorized to authenticate and certify to said claim.


Port Auditor

---DIRECT DEPOSIT ADVICES---

PORT OF POULSBO

PAYMENT VOUCHER

Post Office Box 732
Poulsbo, WA 98370

Kitsap County, WA

December 9, 2011

We, the undersigned Board of Commissioners of the Port of Poulsbo, Kitsap County, Washington do hereby certify that the merchandise or services hereinafter specified have been received and that the vouchers listed below are approved for payment in the amount of \$2,712.15 and from the General Fund, this 9th day of December 2011.


Antonio DeCarlo, Commissioner

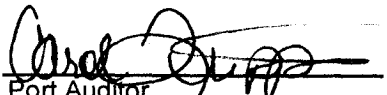
ATTEST:


Andrea Nix, Recording Secretary


Arnold Bockus, Commissioner

Voucher #	Claimant	Amount
ACH 12/09/11	US Treasury/Financial Agent	\$2,712.15
	TOTAL	\$2,712.15

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, the labor performed, or the expense incurred as described herein and that the claim is a just, due and unpaid obligation against the Port of Poulsbo and that I am authorized to authenticate and certify to said claim.


Port Auditor

~~~ ACH ~~~