

**THE PORT DISTRICT OF SOUTH WHIDBEY ISLAND**  
**WORKSHOP and SPECIAL MEETING**  
Held at Port Office Conference Room, 1804 Scott Rd, Freeland, WA  
Tuesday, January 7, 2014 at 6:30 p.m.

**AGENDA**

WORKSHOP (6:00-6:30 PM): Informal discussion of recent correspondence

**SPECIAL MEETING**

CALL TO ORDER and PLEDGE OF ALLEGIANCE (6:30 PM)

COMMISSIONER ACTIONS (Approximately 6:30-6:45 PM)

**Oath of Office for Commissioner-elect Gordon**

**Election of Board Officers for 2014**

**Appointment of Alternate Auditing Officer**

POSSESSION BEACH WATERFRONT PARK BOAT RAMP RENOVATION (Approx. 6:45-7:45 PM)

**Kick-off Meeting with Coast & Harbor Engineering Consultant Team**

SOUTH WHIDBEY HARBOR (Approximately 7:45-8:30 PM)

**Phase 1 Construction Update, including Change Order Requests**

**Contaminated Soil Costs**

ADJOURNMENT

**PORT DISTRICT OF SOUTH WHIDBEY ISLAND**

Minutes of the Special Meeting

January 7, 2014

Freeland, Washington

**Commissioners Present:** Curt Gordon (Clinton), Dennis Gregoire (Freeland) and Chris Jerome (Langley)

**Others Present**

**Port Staff:** Ed Field (Port Operations Manager), Angi Mozer (Port Finance Manager), Molly MacLeod-Roberts (Port Clerk), and Wayne and Laura Nance (Possession Resident Managers) **Others:** Celeste Erickson (South Whidbey Record), Jim Sundberg (Langley City Councilmember) Vladimir Shepsis (Coast & Harbor Engineering), Matt Kukuk (Saratoga Environmental & Land Services) and Scott Maharry (Grette Associates).

**MEETING CALL TO ORDER:** Following a Workshop from 6:00 p.m. to 6:30 p.m. for informal Commission review and discussion of recent correspondence, the Special Meeting of the Port District of South Whidbey Island's Board of Commissioners was convened on Tuesday, January 7, 2014, in the Port office conference room at 1804 Scott Rd. in Freeland, WA. As announced, after annual Commission business, the primary purpose of the Special Meeting was for Commission and Staff planning, coordination, discussion and direction with the Coast & Harbor Engineering (CHE) consulting team for the planning/design study for the proposed Possession Boat Ramp Reconstruction, followed by an update on the South Whidbey Harbor Phase 1 Construction, including change order requests. Although the Meeting was of course open to the public, it was scheduled primarily for Commission and Staff consideration of those specific topics, and public participation was not on the Agenda.

Commissioner Curt Gordon, President, called the Special Meeting to order at 6:35 p.m., followed by the Pledge of Allegiance.

**COMMISSIONER ACTIONS**

**Oath of Office:** Commissioner-elect Gordon was sworn into office by Commissioner Chris Jerome.

**Election of Board Officers for 2014**

**ACTION:** A Motion was made by Commissioner Dennis Gregoire and seconded by Gordon to nominate Jerome for President. The Motion passed unanimously.

**ACTION:** A Motion was made by Gregoire and seconded by Jerome to nominate Gordon for Vice President. The Motion passed unanimously.

**ACTION:** A Motion was made by Gordon and seconded by Jerome nominate Gregoire for Secretary.

Gordon passed the gavel to Jerome, who presided over the rest of the meeting as President.

**Appointment of Alternate Auditing Officer:** The Commission confirmed that Gordon would continue as the appointed Alternate Auditing Officer.

**POSSESSION BEACH WATERFRONT PARK BOAT RAMP RENOVATION:** While waiting for the Coast & Harbor Engineering Team to arrive, Gregoire provided copies of a document he created to aid in the discussion of the Possession Ramp Project (**EXHIBIT A**). During the next 15 minutes, Gregoire provided a review of the handout that included identification of CHE's Work Program consisting of six tasks and a timetable for Commission feedback. The document also listed issues and possible entities that would need to respond to those issues. He sees tonight's discussion as primarily giving CHE direction for

“Task 1: Existing Data Review and Analysis.” Since Task 2 is New Data Collection, CHE can’t tell the Port what Task 2 will be until they get through Task 1 and determine what gaps there are in the data.

Gregoire noted that as the Port’s representative on Island County’s and the City of Langley’s Shoreline Master Plan Committees, he had argued fairly strongly for a different designation for all the boat ramps, which are all currently zoned residential. He noted that a recently published book provides the history of resorts on South Whidbey. There used to be 50 of them, and there was one resort at each location where the boat ramps are today. He said it is interesting to learn what was there, in terms of commercial activity, structures, etc. – all privately run. Once those resorts were sold, the properties were no longer zoned commercial. Providing an inventory and history from the information gathered on the Possession property will allow the Port to present the case to the County to amend the Shoreline Master Plan to allow a broader set of uses for the boat ramps.

**Kick-off Meeting with Coast & Harbor Engineering Consultant Team (CHE):** At 7:55 p.m. the CHE Team joined the meeting. Vladimir Shepsis of CHE thanked the Commission for selecting them for the project and granting their request to have this meeting. Because the project is not simple and has so many elements, the CHE team wanted this meeting so they could go through the steps and get Commission advice and direction to be sure the project goes in the right direction and everyone is happy with the result at the end of the project. Shepsis said his team believes they can get started right away with data collections (Task 1).

The other members of the CHE team in attendance (Matt Kukuk of Saratoga Environmental & Land Services and Scott Maharry of Grette Associates) introduced themselves. Maharry was standing in for his boss, Matthew Boyle, who was ill.

Shepsis read aloud the following objectives from CHE’s Technical Approach and Budget Proposal:

- Develop an engineering solution that minimizes sedimentation and respectively reduces or eliminates maintenance excavation at the boat ramp.
- Prepare the preliminary design of the boat ramp that incorporates the above-mentioned engineering solution that minimizes maintenance excavation. The preliminary design also includes repair to the bull rail and the transition plate of the wooden boarding float where needed.
- Bring the preliminary design to permit approval. However, if the engineering solution and preliminary design includes the boat ramp features with obvious departure from the baseline (existing conditions), there is a possibility that the permit approval may not be feasible within or below the budget and time limit because agency response to the project is not predictable.
- Upon obtaining all environmental permits, complete the final design of the boat ramp and prepare the bid package for construction.

He briefly reviewed the six tasks laid out in the proposal, listed here:

Task 1: Existing Data Collection, Review and Analysis

Task 2: New Data Collection

Task 3: Boat Ramp Rehabilitation Feasible Alternatives and Alternatives Analysis

Task 4: Selection of the Preferred Alternative and Preliminary Design

Task 5: Permitting Activities

Task 6: Final Design and Bid Package

Shepsis explained that Task 1 involves collecting existing data from all aspects, including results from previous coastal engineering, environmental and archaeological studies. A data-gap analysis will be performed using a compilation of the existing data at the end of Task 1 and will include any recommendations for what new data should be collected for Task 2. Right now, CHE will begin work on Task 1 only. Once the data is collected and data-gaps identified, the team will come back to the Port with

recommendations for the next step. Jerome asked how long Task 1 will take, and Shepsis said 3-4 weeks. Gregoire said he would volunteer to work with Staff to provide the historical context of the boat ramp, past permits and shoreline management. He believes the Possession project will provide useful information that can be used to address issues at the Port's other owned/co-owned boat ramps.

Noting the importance of getting the historical context as well as observations from users, Shepsis asked the Port to provide a list of individuals for them to contact to assist in getting that information. Port Operations Manager Ed Field was directed to work with CHE on that, and he also introduced Possession Managers Wayne & Laura Nance to the team. Since Wayne Nance has maintained and cleaned the ramp for the last several years, his observations will provide valuable information for Task 1. Jerome asked if there was anything else needed from this meeting, and Shepsis said they had sufficient information and support to go forward. He said the CHE team will start this week or early next and provide a progress report in 3-4 weeks. CHE left the meeting at 7:35 p.m.

### **SOUTH WHIDBEY HARBOR**

**Phase 1 Construction Update, including Change Order Requests:** Field reported that the new Harbormaster Office was delivered to the Harbor today (no insulation, windows or doors yet). He said the project is "ramping up in a big way" and he thinks it will be plenty busy out there for the next month. Yesterday afternoon the contractor put up 3-4 light poles and another 2-3 poles went up today. They are out working underneath the dock hanging conduits, pulling wire, etc., and the wiring and plumbing is going well.

There is a listing issue on the breakwater, and Mantle Industries (the company that manufactured the gangway ramp) has emailed their concern that the gangway ramp is not adequately supported at the offshore end, and noted that 2½" out of level is cause for rejection of any warranty. They strongly suggest that the landing area for the gangway be modified ASAP to provide a flat and level surface to allow the ramp to function as it should. Field said Reid Middleton is looking at it. They have discussed ballasting the structure to level, but there is concern about the possibility of overloading an older structure, because it is a 20-year old concrete structure. Field and Harbormaster Duncan McPhee feel that operationally right now, it is workable with the gangway being the key and only potential area on the existing list. Reid Middleton is evaluating the situation as far as what ballasting would be accommodated in the original design documents. The leading recommendation for addressing the listing issue at the gangway for the near-term is to proceed with the steel plate and skid replacement, but possibly shim or adjust the plate somehow to address the list locally.

Mike Carlson Enterprises (MCE) submitted Change Order Request #11 for the Steel Plate and HDPE Skids and the \$15,704.98 amount (which Reid Middleton agreed to reimburse the Port due to design deficiency) was approved on December 30, 2013. At this point, MCE has submitted a 20-day extension to be associated with that. Field said that was a lengthy extension, and Gordon said to counter with 10 days. Field agreed. Gordon explained to the Commission that the issue arose while Field was on vacation and Port Clerk Molly MacLeod-Roberts had forwarded the information to Gordon. It was important that MCE get approval so they could move forward and order the materials. Since Reid Middleton agreed to fully reimburse the Port for the Change Order, there was no cost to the Port and Gordon was able to approve it.

Field then discussed the RPBA (Reduced Pressure Backflow Assembly) and MCE's Change Order Request #12 for RPBA, Re-plumbing & Re-metering due to City of Langley requirements. He explained that there is a little "hotbox" on the right side at the head of the pier. Inside that hotbox is a reverse backflow assembly that keeps water that has gone out to the dock from coming back into the City's system, and it is a City requirement. Right now the potable water is on a meter but not a backflow preventer and the fire line is on a backflow preventer but is not metered. Normally, fire lines are not metered. The existing backflow preventer is older, and although leaks have been repaired a few times, the leaks have returned within a month. After looking at all the conditions and the proposed plumbing for the

potable water for the new dock off the new fire line the Port installed in 2009, the City has directed the Port to switch everything through a new backflow preventer on a 2" meter. The Port will not be charged a new connection fee and will be under the same rate structure, but it needs to be re-plumbed. MCE's initial proposal of \$11,300 plus tax included a new hotbox, but since the existing hotbox can be re-used, the total for Change Order #12 has been reduced to \$9,331.93 plus tax for a total of \$10,143.81. Gordon said MCE is charging the Port for some of the work they need to finish on their own, but it gets blurred when you do these change orders. He said, "But the fact of the matter is that price isn't bad and this is a much cleaner set-up than what exists there now." The Commission agreed the work needs to be done. Gordon told Field to be sure the Port keeps the 1" meter when it's pulled because it has value and can be still be useful to the Port. Field said MCE is also requesting another 4-day extension for the RPBA work. Gordon said no – they are two different crews and Field needs to be push back on that. Field agreed he would.

**ACTION: A Motion was made by Gordon and seconded by Gregoire to approve Mike Carlson Enterprises Change Order #11 in the amount of \$15,704.98 (to be reimbursed by Reid Middleton) and Change Order #12 in the amount of \$10,143.81. The Motion passed unanimously.**

**Contaminated Soil Costs:** Per Commission direction at the regular December meeting, Field sent a letter dated 12/16/13 to the City of Langley requesting full reimbursement for the expenses incurred related to the contaminated soil conditions and related disposal costs (\$23,019.65). Mayor Fred McCarthy sent a response letter dated 12/22/13 (**EXHIBIT B**) informing the Port that the letter came as a complete surprise and the City has forwarded it to legal counsel. Gordon was surprised Councilmember Jim Sundberg had not spoken with McCarthy about it since Sundberg was at the December meeting when it was discussed. During a meeting with the Mayor that afternoon, Gordon explained that the waterline put in by the Port is a \$70,000-\$80,000 asset there that we don't own. The City had the option to not have us put that in, but they had every right to request the Port put it in. He said the Port was building the City a waterline at our expense, but the law says the Port is relieved of the expense of environmental clean-up of City-owned property. McCarthy made it clear the 12/22/13 letter was only his first response and not his final response, and Gordon will continue to work with him on the issue.

ADJOURNMENT: The Special Meeting was adjourned at 8:15 p.m.

Approved:

  
\_\_\_\_\_  
Commissioner Curt Gordon, Clinton

  
\_\_\_\_\_  
Commissioner Dennis Gregoire, Freeland

\_\_\_\_\_  
Commissioner Chris Jerome, Langley

Minutes reviewed by:

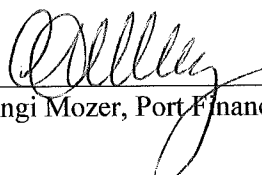
  
\_\_\_\_\_  
Angi Mozer, Port Finance Manager

Exhibit A: Possession Ramp Discussion handout (Gregoire)

Exhibit B: Letter dated 12/22/13 from City of Langley re: Contaminated Soil Costs