



Port of Brownsville

Minutes of Meeting

15 January 2014

CALL TO ORDER

Commissioner Jack Bailey called the regular session of the meeting to order at 7:01PM. In attendance were Commissioner Fred Perkins, Commissioner Bob Kalmbach, Port Manager Jerry Rowland, Assistant Port Manager Gregg Faulkner, Port Attorney John Mitchell and Port Accountant Dennis Bryan.

PLEDGE OF ALLEGIANCE

Commissioners led pledge of allegiance.

APPROVAL OF AGENDA

Fred Perkins made a motion to approve the agenda as written. Motion seconded by Bob Kalmbach and motion was approved unanimously.

ELECTION OF BOARD OFFICERS

Commissioner Jack Bailey made a motion to elect Fred Perkins as Board President and Bob Kalmbach as Board Secretary. Motion seconded by Bob Kalmbach and approved unanimously. New officers moved to appropriate seating.

APPROVAL OF CONSENT AGENDA

Motion made by Jack Bailey to approve the Consent Agenda. Consent agenda includes the 11 December 2013 Regular Meeting Minutes, vouchers audited and certified by the auditing officer as required by RCW 42.24.080 and those expense reimbursement claims certified as required by RCW 42.24.090, which have been recorded on a listing and have been made available to the public. Those vouchers approved for payment are included in the audited and certified list and further described as follows: December Special Electronic Transfer Voucher, numbers 2013-101 through 2013-102 for a total amount of \$5,577.72, January General Fund voucher, and numbers 28715 through 28781 for a total amount of \$179,011.53. Also approved for payment was January 2014 Electronic Transfer Voucher, numbers 2014-01 through 2014-07 for a total amount of \$12,964.15. Motion seconded by Bob Kalmbach and motion was approved unanimously.

PUBLIC COMMENT FOR ITEMS NOT LISTED ON AGENDA

Terry Asla congratulated the new officers on the board.

Steve Neuhauser questioned the Rules and Regulations and asked where the Port was in making sure the boat houses were in compliance with these rules and regulations. Jerry Rowland said that all the boats and boat houses have insurance. The Port has only inspected 85% of the boathouses for electrical compliance but so far they are in compliance. He continued to state that all boat and



Port of Brownsville

Minutes of Meeting

15 January 2014

boathouse owners did recently receive a notification of the Rules and Regulations and given 30 days to comply. This is step one that could be a long process that has to be followed to evict the owners of those not in compliance. If tenants are paying their moorage and have insurance then it would be a court order that would be needed to evict those owners not in compliance. Port Attorney John Mitchell stated that after the court order was served and the owner took no action by the deadline date, the Port can move the boat or boathouse out of the marina. However, the Port does not own the boat and cannot dispose of it, only move it. Bob Kalmbach added that evicting was the easy part, the hard part was getting the owner to move the boat and/or boathouse from the marina. Jack Bailey said DNR is willing to help with those types of problems because they are concerned with what is in their water. John stated that if they owner is violating DNR regulations that would be up to them to take action. John continued to say that there is some liability with putting a boat out on anchor with no power to run the bilge pumps and the boat may sink. Jack Bailey said there are rules that allow the Port to take action on boats that are in imminent danger of sinking. He was sure this applied to boat houses as well. Bob Kalmbach said the state legislature had on their agenda to revise the derelict boat laws. This might be a good time to write a letter to include this type of issue and allow the Ports to resolve it.

Steve Neuhauser went on to say there is difficulty in moving a boat house that is not in good condition, and the Port has regulations on what people can do with their property so what is allowable to rebuild a boat house to make it in better condition. Fred Perkins clarified his question stating that what if someone chooses to ignore the regulations and build whatever they want to improve their boat house. John Mitchell said that is a violation of the Port Rules and Regulations and the Port has the right to remove you from the marina through the legal process. Steve asked if he wanted to build a new boat house today would he be allowed to build living spaces and put in a gray water disposal system. Jerry Rowland stated that in the Rules and Regulations the boat house is defined as a structure to house a boat. He added that Lake Washington is removing the houses that are on the water that don't house a boat but are living spaces and have no propulsion and hard plumbed to shore. Jerry Rowland stated the Port will not allow living spaces to be built. There is no allowance for discharge of any water or sewage since the Port has no lines to handle that discharge and a holding tank is not acceptable, especially when a boat house is for a boat only. Jerry noted that there is a boat house in the marina that has living spaces but it has been in the marina for a very long time. The Port will no longer allow this in new boat houses or to modify existing boat houses. Steve then asked what if the boat house owner wanted to raise the roof on the boat house. Jerry Rowland replied that drawings, which do not have to be architectural, should be submitted to the Port Manager and then to the commissioners for approval. Fred Perkins stated that everyone needs to review the revised Rules and Regulations and if they do not like what is stated, there is a process to request changing it. Jack Bailey stated that the Port does not want the boat houses to become an auxiliary housing unit. If that happens the county will step in and want to inspect this housing unit. Also, living spaces in a boat house make it hard to fight fires in that space. Steve Neuhauser stated that there are boat houses that are beyond repair and are a liability. Fred said that as discussed previously if the moorage is paid and insurance is up to date, the Port has a slow process and John Mitchell has action to see what can be done. Steve Neuhauser added that boat houses are personal property. John Mitchell agreed and stated that is why all the Port can do if evicted is to store it safely which is a burden on the Port.

Ken McEwan said that the derelict boat houses are a safety issue and he thought the Port could take action just based on that by condemning this structure as you would a house or other structure, or even



Port of Brownsville

Minutes of Meeting

15 January 2014

the Port could buy it. Then the Port could disassemble the boat house. He requested the Port to look into this avenue and he would do the same. Commissioners agreed to look into this.

Jack Bailey said the Port of Bellingham has more boat houses than the Port of Brownsville and they are in the process of changing their Rules and Regulations due to the disasters that have occurred. He added he does have sympathy for those boat house owners that are next to a derelict boat house owner.

Bob Kalmbach requested John Mitchell to draft a letter to address the derelict boat house owner's violations and options. John Mitchell agreed.

Ken McEwan stated that maybe the Port could offer a small amount of money to purchase these derelict boat houses so they have ownership to disassemble them. Jack Bailey said this was what DNR was proposing for derelict boats as well. John Mitchell said this has been discussed through many years and the biggest problem is the absentee owner who pays their moorage and has insurance but is never here so it is difficult to talk to them.

Fred Perkins asked this item to be added to old business at the next meeting to get the results of the actions assigned at this meeting.

Carolyn Thomas of the Brownsville Yacht Club said that this subject of Rules and Regulations was discussed at the last month's meeting in great detail. Her real purpose for speaking was to discuss the Polar Plunge that happened on January 1, 2014 at the marina. She passed out pictures of the event. This event was started by Clark Jelly in 2009. He now lives in Florida but there was a promise made to continue this event. Last year there were 18 participants and a lot of observers. This year there were 5 participants and a lot more observers. She said that they will have to advertise next year to get more participants. Fred Perkins said he would participate next year. He volunteered Jack Bailey would join him but Jack said he didn't have much insulation.

PRESENTATION TO OR BY THE BOARD

None

FINANCIAL REPORTS

Port Accountant Dennis Bryan provided the November 2013 end of month reports. As of November 30, 2013, the balance was \$3,128,654.64. He noted that the gas and diesel prices netted a \$55,000.00 loss for November. In other words more gas and diesel was purchased than sold but overtime the gas and diesel would be sold. He added that a budget modification would be needed for 2013 and he noted that it was already on the agenda.



Port of Brownsville

Minutes of Meeting

15 January 2014

	With Fuel	Without Fuel
Operating Revenue	Under Budget by 11.3	Over Budget by 5%
Non-operating Revenue	Under Budget by 3.4%	Under Budget by 3.4%
Operating Expenses	Under Budget by 9.5%	Over Budget by 4.8%
Administrative Expenses	Over Budget by 9.6%	Over Budget by 9.6%
Non-operating Expenses	Even to Budget	Even to Budget
Capital Improvements	Even to Budget	Even to Budget
Bond Payments	Even to Budget	Even to Budget

Jack Bailey reminded everyone that the loss is really not a loss since the fuel will be sold. Fred Perkins asked if the Geoduck sales had an impact on the sale of diesel fuel. Jerry Rowland stated there has not been an impact due to the fact that during this time of year the Geoduck boats move to another area. Jack Bailey commented that the Tribe has been going out regularly. Jerry agreed but stated they have been using less fuel than in previous years.

Dennis Bryan proposed a modification of the current contract with him which is in the 3rd year. He said he was proposing to keep the monthly rate but the commissioners meeting attendance would be partial attendance, leaving after his presentation. He would submit an amendment to the contract. The commissioners agreed to this proposal. Jack Bailey stated that the financial portion of the agenda could be moved up. Dennis responded that this would not be necessary. He stated he would submit the amendment to the contract to the Port Manager to be approved at the next commissioner's meeting.

Jerry Rowland added that his calculation with QuickBooks is that the Port of Brownsville will see a gain of about \$20,000.00 for the year of 2013. Dennis said this is not unlikely since the month of December has a lot of adjustments.

INFORMATION, STAFF AND COMMITTEE REPORTS

a. Manager Report – Attached.

Jack Bailey noted that Mini Loo had been moved from the dock. Jerry Rowland said this was necessary since the power was turned off for that portion of the dock. It will be moved back soon.

b. Commissioners Report –

Jack Bailey had nothing to report but reminded everyone that the legislature is now starting up and the Governor said he didn't have a program. He was hoping that the legislature will not touch the boat funding and reminded people that letters do help. Carolyn Thomas asked what does that statement mean exactly. Jack Bailey said that boat owners pay a fee and it goes into a fund that is used for grants for marinas and ports. He noted that the Port of Brownsville has benefited from these funds in the form of grants. In the past 3 years the legislature has taken possession of those funds and used them elsewhere. The legislature states they don't hear from anyone that is complaining about doing this. So correspondence is encouraged.



Port of Brownsville

Minutes of Meeting

15 January 2014

Bob Kalmbach thanked the people who encouraged him to run for this office and voted for him. He is very grateful to be back as a Port Commissioner.

c. Standing Committee Report –

BAD IX – Jerry Rowland reminded the Commissioners about the 22 January 2014 Central Kitsap School Board Meeting for award presentation. It will be announced as a special meeting so all commissioners can attend.

OLD BUSINESS

- a. Office/Computer Server – Gregg Faulkner stated that at the last meeting there was a bid for server but it was around \$59,000.00 which was too high in his opinion. Since then he has been in contact with another company that will provide a better system for \$26,000.00. Bob Kalmbach asked if he is installing the system. Gregg said that it will be building the system, installing and available for maintenance. Bob Kalmbach asked if it was a local company and Gregg replied yes. Jack Bailey asked if the specifications were available and Gregg replied he would provide these to the commissioners that wished to review them. Bob Kalmbach said he has no background on this so he was not comfortable authorizing purchase at this meeting until he had more time to research the requirements and available systems. Gregg Faulkner said he would provide that. Fred Perkins said this topic would be carried on to old business for the next meeting.

NEW BUSINESS

- a. Resolution 14-01
Signature of Commissioners. This resolution is to authorize commissioners' signatures for signing checks. This needs to be signed after the first reading. Jack Bailey made a motion to waive the second reading and approve this resolution. Bob Kalmbach seconded the motion and it passed unanimously.
- b. Resolution 14-02 Modify 2013 Budget - With the increase in construction fund expenditures and because the bond received was \$200,000.00 less than expected and budgeted, the 2013 budget needs to be modified. Jack Bailey made a motion to waive the second reading and approve this resolution. Bob Kalmbach seconded the motion and it passed unanimously.
- c. Work Skiff – The Port ordered a 30 HP Tohatsu outboard in anticipation of purchasing a used work boat that from pictures looked to be in pretty good condition. However, when the Port Manager went to look at it, it turned out to be not in good condition. So the Port Manager has been looking at new aluminum skiffs. He provided pictures and information to the commissioners. The Workskiff Inc., 17' is the least expensive. But if the 6" X 10" closed cell ionomer foam collar and a tow pole are added the cost increase is approximately \$3,000.00 making it about the same cost as the Lee Shore Boats 14' Silverheels. The Pacific Skiffs, Inc. 19' boat without the center console is already pushing \$5,000.00 more than the other 2 companies.



Port of Brownsville

Minutes of Meeting

15 January 2014

The Port Manager recommended the Lee Shore Boat but is going to look at it to be sure. It's only 14' long making it easy to move in the marina. It comes with the foam collar installed, has a center console and a towing pole as part of its original design. He requested authorization to purchase this boat, if he approved of it after looking at it. Total price excluding taxes is \$21,770.00. Bob Kalmbach asked for more information on the original boat that was less cost and wanted to know if it was serviceable. He said he would like to look at the boat. Jack Bailey asked why the pump out boat cannot be used. Jerry Rowland replied the inset motor will not work for the pier replacements that are happening in the next few years. Jerry Rowland requested an agreement that if the Lee Shore Boat was what was decided on he can purchase it. Commissioners agreed to meet again to discuss after actions were completed.

- d. Change April Meeting Date – The Port Manager is going on vacation and will return the day before the scheduled April meeting which makes it difficult to prepare for the meeting. For this reason, he requested to delay the April meeting to one week later than currently scheduled to April 16, 2014. Jack Bailey made a motion to change the April meeting from April 9 to April 16. Bob Kalmbach seconded the motion and it passed unanimously.

PUBLIC COMMENT

Jack Bailey thanked the staff for continuing to work through the bad weather and storm conditions.

Jerry Rowland reminded the commissioners that the All Ports meeting was scheduled for January 27.

Ned Cook asked when the dock replacement would start. Jerry Rowland replied that C Dock would start on June 16 and E Dock would follow. The goal is to get both docks replaced this year.

EXECUTIVE SESSION

None

CLOSE MEETING / ADJOURN

Commissioner Bob Kalmbach made a motion to adjourn, Commissioner Jack Bailey seconded. The motion passed unanimously. Meeting adjourned at 8:31 P.M.

President/Commissioner

Secretary/Commissioner

Commissioner

Recording Secretary