PORT OF KINGSTON

Port of Kingston Board of Commissioners
Regular Meeting

12/21/2016 7:00 PM
Village Green Community Center - Windermere Room: 26159 Dulay Rd NE
Kingston, WA 98346

Meeting called by: Port of Kingston Commissioners

Type of meeting: Regular Meeting

Meeting Minutes

Commissioners Present
Commissioner Walt Elliott
Commissioner Bruce MacIntyre
Commissioner Mary McClure

Commissioners Excused

Staff Present
Executive Director, Jim Pivarnik
Recording Secretary, Samantha Berger

Counsel Present
Porter Foster Rorick LLP, Kathleen Haggard
Goodstein Law Group LLC, Carolyn Lake

Public in Attendance: 3

1. **CALL TO ORDER: 7:00 p.m.**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF AGENDA**
   Motion: Approve Agenda as written.
   Moved by: Commissioner Mary McClure
   Seconded by: Commissioner Bruce MacIntyre
   Action: Passed 3-0
4. **PUBLIC COMMENT: None**
5. **RECESS TO EXECUTIVE SESSION: 7:02 p.m.**

   The Commission recessed to Executive Session per RCW 42.30.110(1)(i) "To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when pubic knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency."

Motion: Extend Executive Session by 15 minutes at 7:28 p.m.

Motion: Extend Executive Session by 5 minutes at 7:45 p.m.

6. **RECONVENE TO REGULAR MEETING: 7:48 p.m.** Discussion Only. No Action was taken.

7. **CONSENT AGENDA:**

   A. **Meeting Minutes of, Special Meeting - November 22nd, 2016**
   Meeting Minutes of, Special Meeting - November 28th, 2016
   Meeting Minutes of, Special Meeting - November 29th, 2016

   B. **Warrants #31817-31860, totaling $85,493.39 November 30, 2016**
   Warrants #31861-31897, totaling $39,916.51 December 15, 2016
   Warrants #31898-31917, totaling $63,863.24 December 21, 2016
   Electronic Warrant, $5,756.70 November 18, 2016 #R37860
   Electronic Warrant, $3,212.08 November 29, 2016 #R38238
   Electronic Warrant, $4,839.45 December 7, 2016 #R38590
   Electronic Warrant, $5,781.24 December 7, 2016 #R38591
   Electronic Warrant, $7,032.88 December 7, 2016 #R38592
   Electronic Warrant, $5,270.10 December 21, 2016 #R39235

Commissioner MacIntyre noted the need for a correction to the language contained in the Special Meeting Minutes of November 22nd, 2016 Section 6, Item A, Line 9: correcting "2016" to read "2017". Commissioner McClure noted an amendment to the language contained in the Special Meeting Minutes of November 22nd, 2016 Section 10, Line 5: amending "high turn around" to read "high turnover".

Motion: To Approve Consent Agenda as amended.

Moved by: Commissioner Bruce MacIntyre

Seconded by: Commissioner Mary McClure

Action: Passed 3-0

8. **FINANCIAL REPORT:**

   A. **Financial Report - November 2016 Financials**

Executive Director Jim Pivarnik presented the November 2016 Financials as prepared by Hearthstone CPA Group.

9. **ACTION ITEMS:**

   A. **Election of Board Officers - Board Chair, Board Vice Chair and Board Secretary**

The Board nominated and elected Board Officers for the 2017 calendar year. It was proposed that Board Officers be determined by order of rotation, with the Board Member seated as Vice Chair moving into the Board Chair position, the Board Secretary moving into the Vice Chair position and the Board Chair moving into the Board Secretary position. A discussion was held in order to define the duties of the

Board Secretary, and it was clarified that the Board Secretary may sign as an officer of the Board, and that the duties of the position are distinct from that of Recording Secretary.

Motion: To name the 2017 Board Chair, Board Vice Chair and Board Secretary per rotation; naming Commissioner Mary McClure as Board Chair, Commissioner Bruce MacIntyre as Board Vice Chair, and Commissioner Walt Elliott as Board Secretary.

Moved by: Commissioner Bruce MacIntyre

Seconded by: Commissioner Walt Elliott

Action: Passed 3-0

B. Election of WPPA Trustee Representative

The Board nominated and elected the Port's designated WPPA Trustee Representative for the 2017 calendar year, naming Commissioner Walt Elliott as trustee representative.

Motion: To name Commissioner Walt Elliott as the Port's designated WPPA Trustee Representative for the 2017 calendar year.

Moved by: Commissioner Bruce MacIntyre

Seconded by: Commissioner Mary McClure

Action: Passed 3-0

C. Resolution No. 12-01-2016 - Resolution Approving Addition of Aflac Supplemental Insurance to Elective Employee Benefits

Executive Director Jim Pivarnik presented the Board with information on Aflac Supplemental Insurance, proposed to be added to the Port's available employee benefits as an elective benefit through the adoption of Resolution No. 12-01-2016. An employee's selected policies will be the sole financial responsibility of the enrolled employee, and deductions for premiums will be taken from an employee's pre-tax income on a bi-monthly basis.

Motion: To Approve and Adopt Resolution No. 12-01-2016, a Resolution Approving Addition of Aflac Supplemental Insurance to Elective Employee Benefits.

Moved by: Commissioner Mary McClure

Seconded by: Commissioner Bruce MacIntyre

Action: Passed 3-0

D. Covered Moorage Roof Repair Project - Announce Results of Bid Opening and Present Bid Tab to Board

Executive Director Jim Pivarnik presented the Board with the results of the Bid Opening for the Covered Moorage Roof Repair Project that was held at the Port's Administrative Office at 4:05 p.m. December 16th, 2016. The apparent low bidder for the project is

SeaLevel Bulkhead Builders Inc., a local contractor based out of Kingston. The Port is in the process of finalizing reference checks, and Executive Director Pivarnik is working with legal counsel Goodstein Law Group, LLC on the formal Contract Agreement. The Board discussed the bid amounts as presented on the Bid Tab, and upon examination of the bid amounts for Additives 1, 2 and 3 as provided by SeaLevel Bulkhead Builders Inc. decided to move forward with Additive 3, which provides for the leveling of floats on C, D & E docks. The project, as bid, to complete the covered moorage roof repair with Additive 3 and sales tax totals $1.2 million.

Motion: To Approve Executive Director Jim Pivarnik to proceed with engaging SeaLevel Bulkhead Builders Inc. to carry out the construction phase of the Covered Moorage Roof Repair Project, with Additive 3, upon the Port's due diligence and execution of the finalized Contract Agreement.

Moved by: Commissioner Mary McClure

Seconded by: Commissioner Bruce MacIntyre

Action: Passed 3-0

10. OLD BUSINESS:

A. Present Board with Index of Motions

Port staff presented the Board with an Index of Motions to be used as a reference for all action taken at open public meetings held by the Commission of the Port of Kingston. The index includes all motions for the 2016 calendar year, and will be posted on the Port's website for the Public's reference. An Index of Motions will be maintained for each consecutive calendar year, and will be available for inspection at the Port's Administrative Office and on the Port's website at all times. For discussion only. No action was taken.

11. EXECUTIVE DIRECTOR COMMENTS:

Executive Director Jim Pivarnik updated the Board on current Port activities and projects. He spoke on the progress of the Covered Moorage Roof Repair Project, noting that all permits are in place and that a Pre-Construction Meeting will be held at the Port Office on December 28th, 2016 between Port staff and SeaLevel Bulkhead Builders Inc. representatives. He also spoke on the status of the Hill House, the progress of the Washington Blvd. Park project, and on changes to Monthly Parking policy. He spoke on the financing aspect of the Covered Moorage Roof Repair Project, and received the Board's approval to move forward with submitting requests for proposals to financial institutions. Financing proposals will be presented to the Board for review at a future meeting. He also spoke on pile replacement in the marina basin and the permitting involved, potential improvements to the Port's Wi-Fi system and accessibility, and on the addition of a dockside check-in service for visiting boaters planned for early 2017.

12. **COMMISSIONER COMMENTS:**

A discussion was held on the status of the derelict vessel currently aground in Apple Tree Cove, and Executive Director Pivarnik provided an update on communications between the Port and enforcement agencies to determine responsibility and areas where the Port might be able to assist. A member of the public, Mr. Ron Karzmar, asked about the possibility of the Port donating one employee and the Port skiff to aid in the removal of flotsam and jetsam at the wreck site for disposal in the Port dumpster. Port legal counsel in attendance, Carolyn Lake of Goodstein Law Group LLC, recommended Executive Director Pivarnik speak with attorney Seth Goodstein to discuss liability concerns that could limit the Port's assistance and/or involvement with the derelict. Commissioner Mary McClure voiced strong concerns over debris removal from the wreck site or adjacent areas without the owner's consent. Commissioner Walt Elliott concurred, and discussed options for the Port's role including assisting in finding resources, providing information and maintaining open communication with the USCG out of concern for the ecology of the cove. It was concluded that the Port would wait to commit to providing resource information until all details have been identified and clarified.

13. **STAFF COMMENTS:**

Port Staff presented the Board with the January 2017 Calendar of Events.

14. **NEXT REGULAR MEETING DATE:** Wednesday January 25th, 2016 at 7:00 p.m.

15. **RECESS TO EXECUTIVE SESSION: 8:43 p.m.**

The Commission recessed to Executive Session per RCW 42.30.110(1)(i) "To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when pubic knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency."

16. **RECONVENE TO REGULAR MEETING: 8:59 p.m.** Discussion Only. No Action was taken.

14. **ADJOURN:**

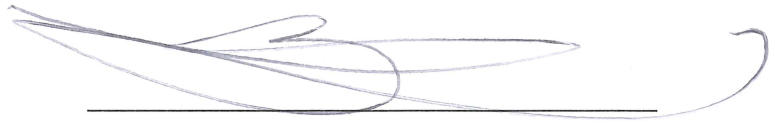
Motion: To adjourn Meeting at 9:00 p.m.

Moved by: Commissioner, Bruce MacIntyre

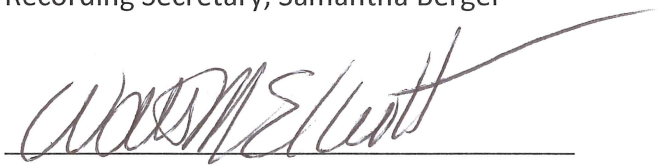
Seconded by: Commissioner, Mary McClure

Action: Passed 3-0.

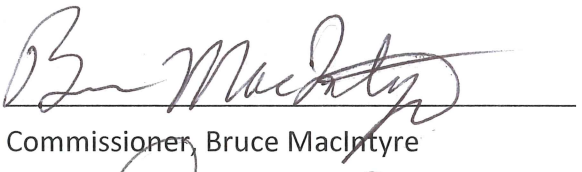
Meeting attested by:



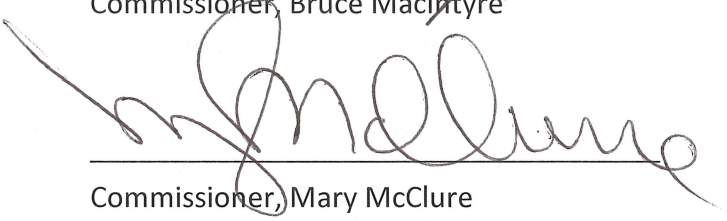
Recording Secretary, Samantha Berger



Commissioner, Walt Elliott



Commissioner, Bruce MacIntyre



Commissioner, Mary McClure