

MINUTES OF EVERETT PORT COMMISSION REGULAR MEETING  
April 13, 2010

PRESENT:	Michael Hoffmann	President
	Mark Wolken	Vice President
	Troy McClelland	Secretary
	John Mohr	Executive Director
	Karen Clements	Chief Finance Officer
	Brad Cattle	Port Attorney

CALL TO ORDER: The meeting was called to order at 5:01 p.m. by Commission President Michael Hoffmann.

APPROVAL OF MINUTES:

Commissioner Mark Wolken moved to approve the Work Session Minutes of March 2, 2010; Regular Meeting Minutes of March 9, 2010; and the Commission Retreat Minutes of February 10-11, 2010. Commissioner Troy McClelland seconded the motion. A vote was called for:

Vote: 3-0  
Yes: Wolken, McClelland, Hoffmann  
No: None  
Abstained: None

Motion carried unanimously.

1. COMMISSION PRESIDENT'S REPORT

**Commission Structure Overview**

Commissioner Michael Hoffmann reported that two public meetings will be held to solicit public comment on the Port of Everett's governance structure. The first meeting will be held April 15 at the Everett Yacht Club from 6:30 – 8pm. The second meeting will be held May 13 at the Mukilteo Water District from 6:30 – 8pm.

**Collins Building Review Process**

*Community Values Discussion Update*

Commissioner Michael Hoffmann reported that he and Port staff have met with representatives of Sustainable Seattle to discuss and develop a procedure to understand the community values segment for the Collins Building Review Process on June 5, 2010. This process will be presented at the May 4<sup>th</sup> Work Session.

2. EXECUTIVE DIRECTOR'S REPORT

**Collins Building Review Process Update**

Executive Director John Mohr reported that Port staff has received a request to change the venue for the June 5<sup>th</sup> Collins Building Review Process from the Snohomish County PUD Auditorium to the Everett Station Weyerhaeuser Room. This change has been made and is reflected on the Port's Web Site. The June 5<sup>th</sup> meeting agenda is still being finalized, and no official times have been set yet. The Port will publish a special meeting notice in The Herald.

**June Commission Meeting Schedule**

Executive Director John Mohr announced that Port staff is recommending that the June commission meetings be held June 8 and 15, due to the Memorial Day holiday. The Commission concurred.

**Earth Day at Union Slough**

On Saturday, April 24 from 10 a.m. – 2 p.m., People for Puget Sound will host an Earth Day celebration at Union Slough. The program will include environmental clean-up, removal of invasive species and plantings to enhance the overall environment. The Port expects approximately 150 volunteers. Commissioner Mark Wolken said that he would provide the welcoming comments at the beginning of the program.

ORIGINAL

**Sponsorship Requests**

*Mukilteo Lighthouse Festival*

Terry Preshaw of the Mukilteo Lighthouse Committee provided a presentation and requested that the Port Commission authorize a sponsorship request on behalf of the Mukilteo Lighthouse Festival in the amount of \$5,000.

*Fourth of July Festival*

Carol Thomas of the City of Everett provided a presentation and requested that the Port Commission authorize a sponsorship request on behalf of the Fourth of July Festival in the amount of \$5,000.

*Snohomish County Sports Hall of Fame*

Frank Foster of the Snohomish County Sports Hall of Fame provided a presentation and requested that the Port Commission authorize a sponsorship request on behalf of the Snohomish County Sports Hall of Fame in the amount of \$2,500.

Commissioner Mark Wolken moved to authorize sponsorships for the Mukilteo Lighthouse Festival in the amount of \$4,750, the Fourth of July Festival in the amount of \$4,750, and the Snohomish County Sports Hall of Fame in the amount of \$1,500. Commissioner Troy McClelland seconded the motion. A vote was called for:

Vote:	3-0
Yes:	McClelland, Hoffmann, Wolken
No:	None
Abstained:	None

Motion carried.

**ORCA Presentation**

Ardi Kveven, of the Ocean Research College Academy (ORCA) at Everett Community College provided ORCA's annual report to the Commission regarding its partnership activities with the Port of Everett. Ms. Kveven described the various projects the ORCA program is involved with through its partnership with the Port of Everett.

3. CHIEF ADMINISTRATIVE OFFICER'S REPORT

**12<sup>th</sup> Street Marina Redevelopment – Memorandum of Agreement**

Chief Administrative Officer Jerry Heller reported that the U.S. Army Corps of Engineers has confirmed its previous decision that the Port has complied with all of its obligations under the 12<sup>th</sup> Street Marina Redevelopment Memorandum of Agreement (MOA), and that the MOA process has now been concluded.

Jerry Heller presented a historical perspective on the Collins Building, as well as the current status. There will be a discussion on June 5, 2010 focusing on an engineering and economic analysis, a community resources discussion, a community values discussion, and then an opportunity for public comment.

Based upon comments received and discussions that occurred during the Commission Retreat, and separate from the engineering and economic analysis, there will be discussion about alternatives for the boat yard and parking relative to the Collins Building.

Troy McClelland reiterated that the discussions surrounding the boat yard and parking are outside of the engineering and economic analysis discussion. Jerry Heller confirmed that these issues are separate.

**ASARCO**

Chief Administrative Officer Jerry Heller previously reported that as part of the ASARCO bankruptcy, the court distributed a check in the amount of \$38 million to the State of Washington for various ASARCO claims having to do with contamination in the vicinity of the Riverside Business Park and the ASARCO smelter. The proceeds were deposited into a special settlement account, but the money became a potential target by the state legislature to help close the gap on the state's budget shortfall. The state legislature has now finalized its budget and approximately \$20 million has been

appropriated for cleanup activities for the Everett area, with an allocated amount of \$17.5 million for cleanup activities, and \$3.2 million for study work.

4. OPERATIONS REPORT

**Marina Report**

*Current Occupancy*

Marina Director Cyndy Olson reported that the North and South Marinas are 75 percent full with 450 vacancies out of 1,813 slips. This is up one percent from last month, or an increase of 25 slips. The 12<sup>th</sup> Street Yacht Basin is 80 percent full with 31 vacancies out of 156 slips. This is a 4 percent increase from last month.

*Marina Events*

Cyndy Olson reported that a Dock Captain / Marina User Forum meeting is scheduled for 6:30pm on April 13, 2010 at the South Marina to discuss projects and exchange information about the Marina.

On April 14, 2010, Port staff will conduct a boat auction in the North Marina to sell vessels abandoned by non-payment of moorage fees. Included in the auction are five boats and one dingy.

On April 24, 2010, Sound Rowers will host a human powered boat race around Jetty Island. Registration begins at 8:30 a.m. at the boat launch and the race will begin at 11 a.m.

May 1, 2010 is the official opening day of boating season. On May 15, 2010 the Port will host the 16<sup>th</sup> Annual Marina Cleanup Day. The event will begin at Popeye's Marine and Kayak Center at 9 a.m., and conclude at noon with a barbeque.

5. PROJECTS UPDATE

**Rail Access Recovery Project; WSDOT Rail Bank Loan; Pigeon Creek Public Access Trail Temporary Closure**

Chief of Engineering and Planning John Klekotka provided a presentation on the Rail Access Recovery Project, including costs, funding sources and project schedule information.

*WSDOT Rail Bank Loan / City of Everett Interlocal Agreement*

Klekotka reported that the Washington State Dept. of Transportation (WSDOT) Rail Bank Loan agreement is under legal review, and the Port is working with the City of Everett on an Interlocal Agreement for the project. These matters will be brought back before the Commission during next month's meetings.

*Pigeon Creek Public Access Trail Temporary Closure*

Construction for the Rail Access Recovery Project will cause a temporary closure to Pigeon Creek Trail during the third quarter of 2010. The closure is expected to last approximately 60 days. As part of the requirements to receive federal NEPA funding for the Rail Access Recovery Project, and to provide ample notice for the Pigeon Creek Public Access Trail Temporary Closure, John Klekotka read the following letter into the record:

Dear Mr. Mohr,

As you know, the Port has received a federal appropriation of \$1.169M to help fund the Rail Access Recovery project in our Capital Improvement Program. The current schedule anticipates that construction would start in the 3<sup>rd</sup> Quarter of 2010.

One of the conditions associated with the receipt of this federal funding is that the project sponsor notify the public in advance of any anticipated closures, even temporary construction closures, to public recreational facilities that would result from project implementation.

Accordingly, this letter is to notify the Port Commission and the general public that there will be a temporary construction closure of the Pigeon Creek Public Access Trail for a period of approximately 60 days once construction begins.

Port staff will work with the selected contractor to minimize this temporary disruption. For example, it may be possible to open the trail or provide a by-pass at times during the 60 days, if proper safety measures are implemented. This will have to be explored with the contractor so no commitments can be made at this time.

As time draws closer to construction, Port staff will notify the public through the Port's web site and other communication methods in advance of the anticipated closure.

Should you have any questions or need additional information, please contact me. Thank you. Scott Grindy, Facilities and Security Director  
The letter is attached as part of the record.

John Klekotka described the phasing and temporary traffic control measures for the trail closure to the Commission, and stated that Port staff will work with the selected contractor to minimize the number of days the trail will be closed.

Port staff will bring this matter back before the Commission during next month's meetings.

6. APPROVAL OF BILLS

For the month of March 2010, Claims Voucher Nos. 55029 - 55322, in the amount of \$2,628,624.49, Claims Wire Transfers, IRS, in the amount of \$128,869.39, Hirofumi Oshio in the amount of \$1,964.21, Union Bank of California in the amount of \$24,914.85, and Wash. St. Dept. of Revenue in the amount of \$25,402.62, Payroll Voucher Nos. 32767 - 32962, in the amount of \$354,809.38, and Payroll Wire Transfers, PMA Payroll (Longshore Labor) in the amount of \$112,385.00, with the total amount of \$3,276,969.94, were presented to the Port Commission for approval of payment by Chief Finance Officer Karen Clements.

Commissioner Troy McClelland moved to approve payment of the vouchers for the month of March 2010. Commissioner Mark Wolken seconded the motion. A vote was called for:

Vote:	3-0
Yes:	McClelland, Wolken, Hoffmann
No:	None
Abstained:	None

Motion carried.

7. COMMISSIONER COMMENTS

Commissioner Mark Wolken commented that the Carpenters Union and the International Brotherhood of Electrical Workers Union were added to the draft list of charitable and community organizations for the community resources discussion in the Collins Building Review Process.

Commissioner Troy McClelland said that he felt there needs to be a conversation around the different courses of action for the boatyard as it relates to the Collins Building. He asked staff to present boatyard location options that have been considered in the master planning process at next month's meeting.

Commissioner Michael Hoffmann provided copies of sustainability reporting examples and asked the Commission to review the examples to get an idea of how the Port could utilize the sustainable reporting tool. Michael Hoffmann also suggested for a future meeting to have each Commissioner bring an issue to the table and allow for open dialog with the community. John Mohr reported that senior staff previously attended a presentation regarding sustainability measurement in January. Since then, the Port's environmental team has worked to identify specific areas where the Port can conduct sustainability measurement.

8. CITIZEN COMMENTS

Richard Sullivan, Everett, asked for permission to pay the insurance policy premium to access the Collins Building. Port attorney Brad Cattle suggested having the Port's insurance broker review the matter.

Jon Houghton of Pentec Environmental, reported that the Port is in its fifth year of the environmental monitoring program at the Mt. Baker Terminal Facility. Jon Houghton invited the Port Commission to attend a beach seining event on April 22, 2010 at 12 noon at the facility.

THE WORK SESSION MEETING WAS RECESSED into Executive Session at 6:47 p.m. for approximately 1/2 hour to discuss with legal counsel a pending litigation matter, and discuss consideration of real estate, when public knowledge could disadvantage the Port's negotiation.

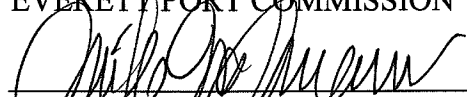
At the conclusion of the Executive Session, there were no announcements, and there was no action taken by the Commission.

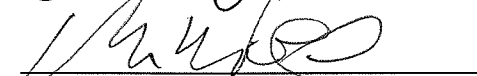
THE WORK SESSION WAS ADJOURNED at 7:25 p.m.

APPROVED: this 11<sup>th</sup> day of May 2010.

EVERETT PORT COMMISSION

By:

  
Michael Hoffmann, President

  
Mark Wolken, Vice President

  
Troy McClelland, Secretary



April 13, 2010

John Mohr, Executive Director  
Port of Everett  
PO Box 538  
Everett, WA 98206

RE: Pigeon Creek Public Access Trail

Dear Mr. Mohr,

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One of the conditions associated with the receipt of this federal funding is that the project sponsor notify the public in advance of any anticipated closures, even temporary construction closures, to public recreational facilities that would result from project implementation.

Accordingly, this letter is to notify the Port Commission and the general public that there will be a temporary construction closure of the Pigeon Creek Public Access Trail for a period of approximately 60 days once construction begins.

Port staff will work with the selected contractor to minimize this temporary disruption. For example, it may be possible to open the trail or provide a by-pass at times during the 60 days, if proper safety measures are implemented. This will have to be explored with the contractor so no commitments can be made at this time.

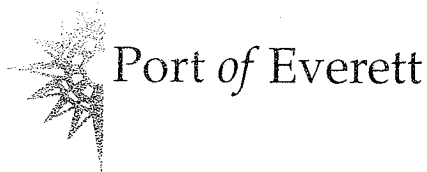
As time draws closer to construction, Port staff will notify the public through the Port's web site and other communication methods in advance of the anticipated closure.

Should you have any questions or need additional information, please contact me.

Thank you.

Scott Grindy  
Facilities and Security Director

DOCS-#145930-v1-Pigeon\_Creek\_Public\_Access




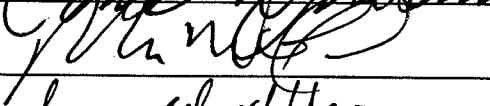
ORIGINAL

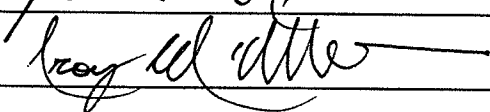
Port of Everett  
Voucher Approval List  
for the month of  
MARCH  
2010

We, the undersigned Commissioners of the Port of Everett, Snohomish County, Washington, do hereby certify the following vouchers/warrants have been certified and approved for payment this the 13th day of April, 2010:

	<b>Total</b>
Claims Voucher Nos 55029 - 55322	\$2,628,624.49
Claims Wire Transfers:	
3/1, 3/16                      Wire Transfer - IRS	\$ 128,869.39
3/9                                Wire Transfer - Hirofumi Oshio	\$ 1,964.21
3/24                              Wire Transfer - Union Bk of Calif	\$ 24,914.85
3/25                              Wire Transfer - Wa St Dept of Rev	\$ 25,402.62
 Total Claims	 \$2,809,775.56
 Payroll Voucher Nos. 32767 - 32962	 \$ 354,809.38
Payroll Wire Transfers:	
3/2,3/9,3/16,3/23,3/30            PMA Payroll (Longshore Labor)	\$ 112,385.00
 Total Payroll	 \$ 467,194.38
 Total Expenditures	 \$ 3,276,969.94

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Vice President

  
\_\_\_\_\_  
Secretary

Attest: Karen R A Clements Port Auditor