

**Minutes of Everett Port Commission  
Special Meeting  
November 16, 2021**

<b>PRESENT:</b>	Tom Stiger	President
	David Simpson	Vice President
	Lisa Lefebber	Executive Director
	Eric Russell	Chief Finance Officer
<b>ZOOM:</b>	Glen Bachman	Secretary
	Brad Cattle	Port Attorney

**CALL TO ORDER:** Commission President Tom Stiger called the meeting to order at 11:00 a.m.

**CONSENT AGENDA**

- Approval of Regular Meeting Minutes of October 5, 2021; Regular Meeting Minutes of October 12, 2021; and Special Meeting Minutes of October 26, 2021
- Approval of Bills for October 2021

Commissioner David Simpson moved that the Commission approve the items on the consent agenda for November 16, 2021 including the Regular Meeting Minutes of October 5, 2021; Regular Meeting Minutes of October 12, 2021; and Special Meeting Minutes of October 26, 2021, as well as Approval of the Bills for October 2021. Commissioner Glen Bachman seconded the motion. A vote was called for:

Vote:	3-0
Yes:	Simpson, Bachman, Stiger
No:	None
Abstained:	None

Motion carried.

**Commission President's Report**

Commission President Tom Stiger reported the United Way Campaign will be on Tuesday, November 23 at 11:30 and there will be a pie auction as an opportunity to raise money for Providence Cancer Care in honor of Rick Adams.

Commissioner Stiger reported the Washington Public Ports Association will be holding their Annual Meeting in Bellevue on December 1 and December 2. The Port Holiday on the Bay is scheduled for December 4.

**Commission Discussion**

Commissioner Glen Bachman reported he was currently in Canada at the Cascade Innovation Corridor Conference, hosted by the Greater Seattle Partners.

Commissioner David Simpson wished everyone a Happy Thanksgiving.

**Citizen Comments**

Udo Gerz submitted an email for public comment regarding Hat Island parking, attached hereto.

## **CEO/EXECUTIVE DIRECTOR'S REPORT**

### **COVID-19 Update**

CEO/Executive Director Lisa Lefeber reported as mentioned last week, the Port is still planning for mandatory vaccination and/or weekly testing requirement to take place effective January 4, 2022. With the court stay of the OSHA rule, the Port is in a wait and see mode.

Lefeber reminded the Commission that next month's Commission meeting will be on Monday, December 6, at 9:00 a.m. and will be the last meeting of the year.

Lefeber also reminded the Commission that the Pacific Ice rink begins November 27, adjacent to Hotel Indigo. Communications Director Catherine Soper added that there is a lot of interest to the ice rink and people are very excited for something local that is fun to do on the waterfront. There has been a lot of advanced ticket sales and a lot of excitement on social media.

### **Interlocal Agreement between Port of Everett, Snohomish County, & City of Everett RE: Cost Sharing for Jetty Landing Restroom Capital Improvements**

Chief of Marina Operations Jeff Lindhout presented an Interlocal Agreement between the Port of Everett, Snohomish County, and the City of Everett that addresses cost sharing for the Jetty Landing restroom project. The total project cost is estimated at \$1,140,000. The Port received a grant from the RCO for this project of \$555,500, leaving a balance of \$584,500 to be divided as follows: County \$170,191.00, City \$118,191.00, the Port to pay the remainder, including any costs arising from change orders or contractor claim.

After discussion, Commissioner Glen Bachman moved that the Commission authorize the CEO/Executive Director to enter into the Interlocal Agreement between the Port of Everett, Snohomish County, and the City of Everett for cost sharing of the Jetty Landing Restroom project. Commissioner David Simpson seconded the motion. A vote was called for:

Vote:	3-0
Yes:	Bachman, Simpson, Stiger
No:	None
Abstained:	None

Motion carried.

## **CHIEF FINANCE OFFICER'S REPORT**

### **2022 Property Tax Levy and Preliminary Budget**

Commissioner Tom Stiger asked if Chief Financial Officer Eric Russell had anything to add to last week's presentation. Russell stated he did not have anything to add.

Commission Vice President Stiger re-opened the public hearing at 11:14 a.m. and asked for public comments on the 2022 Property Tax Levy and Preliminary Budget.

After receiving no public comments, Commissioner Stiger closed the public hearing at 11:15 a.m. and proceeded with the adoption of the resolutions presented last week.

**Resolution No. 1179 (2021) – 2022 Property Tax Levy**

Commissioner David Simpson moved that the Commission adopt Resolution No. 1179 (2021) pertaining to the 2022 regular tax levy. Commissioner Glen Bachman seconded the motion. A vote was called for:

Vote: 3-0  
Yes: Simpson, Bachman, Stiger  
No: None  
Abstained: None

Motion carried.

**Resolution No. 1180 (2021) – 2022 Substantial Need for Property Tax Levy**

Commissioner Glen Bachman moved that the Commission adopt Resolution No. 1180 (2021) finding a substantial need to raise the tax levy by 1%. Commissioner David Simpson seconded the motion. A vote was called for:

Vote: 3-0  
Yes: Bachman, Simpson, Stiger  
No: None  
Abstained: None

Motion carried.

**Resolution No. 1181 (2021) – 2022 Operating Budget and Capital Budget**

Commissioner David Simpson moved that the Commission adopt Resolution No. 1181 (2021) approving the 2022 Operating Budget and Capital Budget. Commissioner Glen Bachman seconded the motion. A vote was called for:

Vote: 3-0  
Yes: Simpson, Bachman, Stiger  
No: None  
Abstained: None

Motion carried.

All three Commissioners thanked the staff involved with putting the budget together, they appreciate all the hard work that goes into making it happen.

**2020 CENSUS DATA REDISTRICTING BOUNDARIES**

CEO/Executive Director Lisa Lefeber reported as mentioned at last week's meeting every ten years after the completion of the census report, the Port reconfigures the commissioner district boundaries to make sure that they are equitably distributed. There were only minor shifts to the current boundaries.

After discussion, Commission President Tom Stiger opened the public hearings for the 2020 Census Data Redistricting Boundaries at 11:23 a.m. and asked for public comments.

There were no public comments.

Commissioner Stiger closed the public hearing at 11:24 a.m.

**Resolution No. 1182 (2021) – 2020 Census Data Redistricting Boundaries**

After discussion, Commissioner Glen Bachman moved that after receiving and considering public comment and closing of the public hearing, the Commission adopt Resolution No. 1182 (2021) 2020

Census Data Redistricting Plan, substantially as presented. Commissioner David Simpson seconded the motion. A vote was called for:

Vote: 3-0  
Yes: Bachman, Simpson, Stiger  
No: None  
Abstained: None

Motion carried.

### **WATERFRONT PLACE CENTRAL**

#### **Sound2Summit Brewing Co. Port Gardner Landing Building Lease**

CEO/Executive Director Lisa Lefeber reported Sound2Summit Brewing Co. wants to expand its business and is attracted to the marina and Naval Station Everett. Originally started in 2014, their business' motto is "brew great beer and people will come." They focus on creating an excellent craft beer that people want to enjoy before or after their adventures in the PNW. The lease is located in the new Port Gardner Landing building, which is part of the PNW Reality lease agreement. The Sound2Summit lease is for a 5-year term for 3,000 square feet interior and approximately 1,000 square feet of patio. Because it is a 5-year lease as opposed to a 10-year lease, there is a payback provision in the event that Sound2Summit Brewing Co. does not renew their lease to reimburse the Port 25% of the tenant improvement allowance. They are expected to be open in late 2022.

Upon discussion, Commissioner David Simpson moved that the Commission authorize the CEO/Executive Director to execute the lease with Sound2Summit Brewing Co., substantially as presented. Commissioner Glen Bachman seconded the motion. A vote was called for:

Vote: 3-0  
Yes: Simpson, Bachman, Stiger  
No: None  
Abstained: None

Motion carried.

#### **Lazy Boy Brewing Co. A6 Building Lease**

CEO/Executive Director Lisa Lefeber reported Lazy Boy Brewing Co. is currently located in a warehouse in south Everett and wants to relocate its brewing operation and taproom into a more public-focused site. The lease is to be located in the new A6 building along West Marine View Dr. A6 is part of the PNW Reality Option Agreement, and the intent is that PNW Reality will exercise their option for this building and assume this lease. The lease is a 10-year term for 3,000 square feet of interior space and approximately 1,000 square feet of patio. They are expected to be open in Spring 2023.

After discussion, Commissioner Glen Bachman moved that the Commission authorize the CEO/Executive Director to execute the lease with Lazy Boy Brewing Co., substantially as presented.

Commissioner David Simpson seconded the motion. A vote was called for:

Vote: 3-0  
Yes: Bachman, Simpson, Stiger  
No: None  
Abstained: None

Motion carried.

## DEPARTMENT REPORTS

### Properties

#### **ExxonMobil and ADC Settlement and Release Agreement**

Director of Environmental Programs Erik Gerking presented a Settlement and Release Agreement (Agreement) with EXXONMOBIL OIL CORPORATION (ExxonMobil) and American Distributing Company (ADC) for the environmental cleanup of the Port's property located on the west side of Federal Avenue. A significant amount of the cleanup will take place on the eastern portion (20-percent) of the Everett Ship Repair (ESR) leasehold. The Agreement accomplishes the following:

1. Facilitates and allows ExxonMobil and ADC to conduct an environmental cleanup of Port property at their expense.
2. Provides \$350,000 to the Port for its costs associated with the cleanup, including:
  - a. Past costs to negotiate the Agreement
  - b. Costs for monitoring the cleanup
  - c. Incremental environmental costs associated with the Port's installation of utilities within Federal Avenue as part of its development of Norton terminal
  - d. Costs for ExxonMobil and ADC's access to Port property to conduct long term monitoring
3. Specifies technical performance requirements of the cleanup and site restoration so the Port's property is adequately restored as part of the cleanup.
4. Requires installation of a cut-off wall separating the contamination within the Federal Avenue corridor and the Port's property to prevent further migration of contamination onto Port property.
5. Requires that ExxonMobil and ADC enter into an access and reimbursement agreement with ESR and Dunlap Towing by February 1, 2022, as well as a temporary office building for ESR.
6. Specifies a project schedule that requires the physical cleanup be completed by September 30, 2022, generally synchronized with the opening of Norton Terminal.

At this point, ExxonMobil has signed the Agreement and ADC and its four insurers have approved the Agreement.

As a result of this agreement Port property will be cleaned, adequately compensation to the Port for its associated expenses will be received, and compensation of the Port's tenants for their associated expenses is required.

Upon discussion, Commissioner David Simpson moved that the Commission authorize the CEO/Executive Director to sign the Settlement and Release Agreement with ExxonMobil Oil Corporation and American Distributing Company. Commissioner Glen Bachman seconded the motion. A vote was called for:

Vote:	3-0
Yes:	Simpson, Bachman, Stiger
No:	None
Abstained:	None

Motion carried.

### Executive Session

No Executive Session was held.

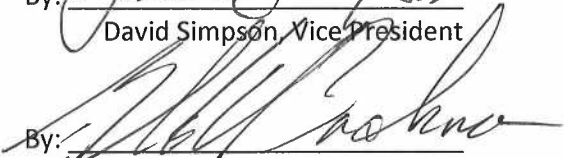
**THE REGULAR MEETING WAS ADJOURNED at 11:57 a.m.**

**APPROVED** this 6<sup>th</sup> day of December, 2021.

**EVERETT PORT COMMISSION**

By:   
Tom Stiger, President

By:   
David Simpson, Vice President

By:   
Glen Bachman, Secretary

ORIGINAL



Port of Everett  
Voucher Certification and Approval  
for the month of  
OCTOBER  
2021

AP Claims Transactions		Total
Claim Checks Issued	90754 - 90859	\$1,185,682.49
P-Card Transactions		71,857.52
ACH Transactions	#1459 - 1533	2,479,689.74
<b>Total Claims Check Register</b>		<b>3,737,229.75</b>

Electronic Claims Transactions:		
10/6, 10/7, 10/8, 10/13, 10/15, 10/20, 10/21	Electronic Transfer - Health Equity/Navia/Guardian/Accrue CMS	\$11,943.69
10/14, 10/20, 10/29	Electronic Transfer - IRS	191,958.92
10/26	Electronic Transfer - WA St Dept of Rev	61,491.61
10/4, 10/8, 10/13	Electronic Transfer - U.S. Bank	8,748.31
10/1, 10/4	Electronic Transfer - U.S. Bank LOC Fees	7,412.51
10/15	Electronic Transfer - US Bank	7,466.88
10/29	Electronic Transfer - Paylocity	1,810.80
10/1	Electronic Transfer - Pitney Bowes	1,500.00

<b>Total Electronic Claims</b>	<b>292,332.72</b>
<b>Total Claims</b>	<b>4,029,562.47</b>

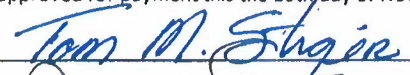
Payroll Transactions		
Payroll Checks Issued	Dir Deposit/Check	\$515,009.36
10/5, 10/12, 10/19, 10/26	PMA Payroll (Longshore Labor)	439,383.97
<b>Total Payroll</b>		<b>954,393.33</b>

<b>Total Payments</b>	<b>4,983,955.80</b>
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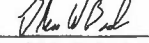
I, the undersigned, do hereby certify under penalty of perjury that the material have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the Port of Everett and that I am authorized to authenticate and certify to said claim. Authorize signature

Attest:  Port Auditor

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 16th day of November, 2021:

 President

 Vice President

 Secretary

## Emily Hammer

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**From:** Catherine Soper  
**Sent:** Monday, November 15, 2021 2:01 PM  
**To:** Emily Hammer; Lisa Lefeber  
**Subject:** FW: A new citizen comment has been submitted

Public Comment for Next Commission Meeting.

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**From:** noreply=revize.com@turbo-smtp.info <noreply=revize.com@turbo-smtp.info> **On Behalf Of** noreply@revize.com  
**Sent:** Monday, November 15, 2021 12:06 PM  
**To:** PublicAffairs <publicaffairs@portofeverett.com>  
**Subject:** A new citizen comment has been submitted

First-Name = Udo  
Last-Name = Gerz  
E-mail = ugerz@msn.com  
phone = 480 226 9168  
Comments-or-Concerns = Input for the next Port Commissioner Meeting:

My name is Udo Gerz, Slip Holder O-35 and a resident of Hat Island

Several items are of my concern

1. The Port has proposed moorage rate increases for all the slips in the Port of Everett.

The Port decided not to do a percentage increase for all the slips. Instead individual rates were adjusted and it is not clear, how these increases were

established. Our rate increase at O-35 (covered 30") is \$2.25 per foot and other slips are between \$0.50 and actually one slip(covered 40') to \$2.50.

ALL slips in the North Marina have only increases between \$0.50 and max \$\$1.00; it seems the majority of the increases are done in the rest of the Marina.

Please adjust the rates to make them fair for everybody.

2. Parking for Hat Island and ADA Parking

When Mrs. Terrie Battuello explained quite some time ago the need for a parking enforcement company, her reasoning was, that the Port does not have

sufficient parking available for everybody and that such a company would enhance the Security in the Marina.

The parking lot in the South Marina is wide open.

Actually she stated in one meeting with Hat Island, that it would reduce the Security personel the Port would have to employ.

That did not happen, because LAZ does not see themselves as a Security Company; actually the Port is hiring an extra Security office, which we All appreciate!

Due to the "High demand for parking" in the South Marina Mrs. Battuello, who obviously did not like Hat Island, assigned a parking lot for Hat Island

ferry users in Area 8, pretty close to the backside of the West Marine Building.

--You may ask, why I am saying, that she did not like Hat Island: in a meeting between the Port and Hat Island, were Lisa attended as the acting CEO,

Mrs. Battuello was rude and abruptly left the meeting saying: That is it!--in regards to the parking area for Hat Island --. The monthly fee is \$50 (low season) / \$60 (high season) per month.

Hat Island has also some residents, who have an ADA sticker and the parking company / Port tells them to park in the



same area (8)and is not willing to  
allow use of ADA spots close to the ferry landing in front of Antonies.  
I hope you can find a way for Hat Islanders to park closer to the ferry landing and for the ADA users a more convenient  
parking spot; there is a reason,  
why these people have an ADA sticker and they can't walk 1/2 mile to the ferry.

Thank you very much for your attention to these matters.  
Please advise me, when this email will be brought to the Commissioners attention.

Respectfully

Udo Gerz

preferred\_contact = email  
Client IP = 54.236.31.145

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