

# PORT OF BELLINGHAM

MAC (MARINA ADVISORY COMMITTEE) MEETING  
TUESDAY, OCTOBER 9, 2012  
SQUALICUM HARBOR OFFICE  
BELLINGHAM, WASHINGTON

## Minutes

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### Committee Members Present:

Jeff Hegedus  
Paul Lavelle  
Brian Pemberton  
Jim Young

### Committee Members Absent:

Ron Kleinknecht  
Lummi Representative  
Jerry Writer

### Port Representatives Present:

Dan Stahl  
Andy Peterson  
Frank Chmelik

### Committee Members Excused:

Peter Border  
Gene Knutson  
Doug Sterrett

### Visitors/Guests:

Elizabeth Kilanowski  
George Mundell  
Chris Webb  
John McVea  
Heather Bansmer

### Roll Call

The meeting was called to order at 6:00 pm.

### September 11, 2012 Minutes

Approval of the September 11, 2012 minutes was moved to the next meeting scheduled in November as there was not a quorum present at this meeting.

### Public Comment

Chris Webb, a Gate 6 customer, came to the meeting and asked if the Port had any interest in adding dinghy storage capacity at Gate 6. He has observed people with very “creative” storage methods for reserving their space. Andy noted that there is unused capacity in the dinghy docks at Gate 12 which are not as convenient for Gate 6 customers. It was also suggested that although the dinghy racks are first come first served that perhaps some signage asking people to have only one dinghy on the rack may be advisable.

Elizabeth Kilanowski asked if there was any feedback on the commercial fishing rate reduction from this past year. Dan Stahl answered some of Elizabeth's questions but it was decided to bring this as a future item – perhaps at the next MAC meeting.

### **Dockside Feedback**

Jim Young had three comments. The first one was on the boathouse that formerly housed the City of Bellingham's fire boat. Jim asked if that area would be repurposed and put into more productive use than just idol status. Dan mentioned that the City of Bellingham continues to look for fire boats and it was his recommendation that the Port leave that idol for a reasonable period of time and perhaps review it in a year to see that the holding pattern still makes sense.

The second comment was regarding Gate 8. Jim commented that for the last three times when he has used the pump out, the tank has been full. Jim expressed his frustration with users' lack of courtesy. Updated signage was discussed as was the possibility of putting a comment in the next newsletter.

Finally, Jim noticed a number of dinghies come into Gate 8 perhaps from the vessels anchored on Boulevard. Andy said that he would give MSR's the heads up to watch for this activity.

### **March 30<sup>th</sup> Boathouse Fire- Next Steps**

Dan reviewed some of the history with the recent passage of the City of Bellingham's Fire Ordinance. Dan handed out copies of the executed document and also gave an update from the Fire Department that a number of smoke vents have already been submitted and permitted. The Port and City are already starting to see some of the safety improvements actually implemented.

Frank Chmelik, Port general counsel, was in attendance in the meeting for this item. Frank recounted the City's new fire ordinance as it relates to the condo boathouses in Squalicum Harbor. Frank went on to describe some the reasons why it may be desirable for the Port to have a more formal relationship with the six condo boathouses in Squalicum Harbor than currently exists today (see memo for details). Frank mentioned that all of these owners may have different requirements regarding ownership, taxes, management and control and there is no reason for the Port to over specify what it needs.

After finishing his presentation, there was significant discussion from the MAC about the particulars of the memo and then eventually what the next step should be. It was suggested that prior to forwarding this issue on to the Port Commission, it would be good to get some direct input from the condo boathouse owners, none of whom were in attendance at the meeting. It was agreed that Port staff would send a letter to all of the members of those six condo boathouses to invite them to the next meeting.

Dan then gave an update on the Port's requirements from the City ordinance, i.e., increasing the capacity for the standpipe at Gate 3. At the first Port Commission meeting after the adoption of the City ordinance, the Port Commission delegated authority to staff to initiate the design for these improvements. The current estimate is that this will cost approximately \$50,000 and will be done in coordination with the Fire Department and be completed by year end. That would set the stage for the Port to go out to bid for those improvements in

the first quarter of 2013 and, hopefully, have them done sometime during the first half of 2013.

### **Harbormaster Recruiting Efforts**

Dan and Andy gave a review of the process whereby the Port is recruiting for a new harbormaster to replace Mike Endsley who has moved on to a different career. The Port has advertised widely. The Port has a robust candidate pool and went through interviews the week of October 1. The Port hopes to have someone on board within the next week or so.

### **Gate 3 Security and Restroom Cleanliness**

Andy Peterson took this on as a follow-up to the feedback we got at the last meeting. Regarding security, Andy has had meetings with the Port's security provider. Personnel changes were made to Whatcom Security staff that are providing those services. Andy has also asked for a change in the routine of those security guards in that they will do an initial pass through of the restrooms and the laundry facilities before proceeding out to the docks. This will get security in earlier in the evenings to those areas where there are currently problems. Security personnel would then return to the restrooms at the end of their shift to ensure compliance through the evening. Andy also talked about some additional plaques that are being made referencing security cell phone numbers.

Regarding cleanliness, Andy has met with ABM, the Port cleaning contractor. Based on those discussions, ABM has made a personnel change as well in that a new supervisor is being appointed to our account. Andy has also met with staff to heighten their awareness of this issue so that the Port can provide adequately clean restrooms to the customers.

Elizabeth Kilanowski said that she has not seen the change yet but it was agreed that the Port would continue to watch this to make sure that the service is elevated to a standard that everyone feels is acceptable.

### **Dock Boxes**

Andy Peterson presented a powerpoint on dock boxes, attached to these minutes by reference. Andy personally walked all the docks in Squalicum Harbor and provided a tally of the need to get everybody in the harbor a functional dock box. These numbers were then compared to existing authorizations for capital budgets. Andy's conclusion is that the Port should be able to get everybody a serviceable dock box in both harbors by the end of 2013 without an ala carte charge and stay within the spending limits of the adopted blue-line moorage model. This was greeted with appreciation and support from the MAC. Staff will proceed with implementation. Andy added additionally that once these dock boxes are in, staff in both harbors will implement new check-in/check-out procedures to make sure that damage that is done to dock boxes will be charged to customer accounts and not be borne by the Port's moorage model. It was also discussed about putting replacement costs in the Port's tariff and updating those periodically so that those customers in the Port know ahead of time what the charges would be when dock boxes fail to pass muster.

With the MAC business concluded for the evening, Paul Lavelle announced he feels that it time for him to come off of the MAC, having been on the MAC since September 2006. Paul agreed to perhaps attend a meeting or two as we make the transition and we need to take action on several items. Paul was thanked by several members of the MAC for his candor and his direct interest in the boating community. It was agreed that once the new harbormaster is on board the Port would open up the recruiting process.

The meeting was adjourned at 8:00 pm.





**Recommendation.** At this stage in the discussion I have the following recommendations concerning the Port's relationship with the jointly owned boathouse owners.

- Require that each jointly owned boathouse structure be owned by a legal entity properly registered in the state of Washington. There are several choices.
  - A Washington association formed pursuant to RCW 23.86.
  - A Washington partnership formed pursuant to Title 25 RCW.
  - A Washington limited partnership formed pursuant to RCW 25.05.
  - A Washington limited liability partnership formed pursuant to RCW 25.04.
  - A Washington limited liability corporation formed pursuant to RCW 25.15.
  - A Washington corporation incorporated pursuant to RCW 23B.02.
  - A Washington condominium formed pursuant to RCW 63.34.

In this regard, I recommend the Port refrain from specifying which form of organization. That is best left to legal counsel for the boathouse owners.

- Require that each such organization present evidence, in the form of a certificate from the Washington Secretary of State's office, of the existence and continued existence of the legal structure that owns the boathouse. Each year, the boathouse entity should:
  - Require that each such organization formally appoint one person to act as the agent for all matters concerning the Port.
  - Require that each organization provide an address where notice from the Port can be mailed and agree that posting of notice on the entrance point of the boathouse together with mailing to the specified address and to each Port tenant in the boathouse constitutes notice to the organization and the organization owners.
  - Note that the moorage agreements will remain between the individual tenants and the Port.
  - Require that each organization execute a "Boathouse Agreement" similar to a moorage agreement which is also signed by each boathouse owner as a personal guaranty.
  - Require that only moorage tenants can own an interest in the boathouse.
  - When transferring moorage require proof that the boathouse ownership has been transferred as well.
  - Require the organization to obtain and maintain insurance naming the Port as "additional insured."
  - Require the boathouse organization to comply with all applicable building and fire codes and all applicable Port regulations.
  - Require that the boathouse be kept in a reasonable state of repair consistent with all applicable federal, state, City of Bellingham and Port rules and regulations.



- Provide for the right, but not the obligation, of the Port to conduct inspections of the interior of the boathouse.
- Provide that a violation of the Port's rules and regulations may result in a termination of the moorage of all tenants.

**Next Steps.** I understand that the Port has heard anecdotally that some boathouse owners have no legal structure. The Port should therefore assume that the development of an agreement may take some time because the owners will have to resolve issues such as governance of the organization, decision making, determination of maintenance requirements, capital improvements, and funding. I would suggest that six months ought to be allotted for this activity. Therefore, I recommend the following process.

- First, the Port develops a set of requirements similar to the list noted above.
- Second, once these have been adopted as part of the Marina Rules and Regulations, the boathouse owners should be provided six months (with the latitude to grant extensions) in order to meet the requirements.

# Marina Dock Boxes



Marina Advisory Committee  
October 9, 2012

# Introduction

- Dock Box Replacement Guidelines
- Dock Box Condition Survey
- Proposed Dock Box Replacement Program
- Timing
- Funding

# Dock Box Replacement Guidelines

- Goal is to provide a safe and functional dock box for storage of boating equipment including:
  - Boat covers, canvas.
  - Shore-power cords.
  - Dock lines, fenders, buoys.
  - Wet items such as hoses, brushes & buckets.

# Dock-box Replacement Guidelines

Defining a safe & functional dock-box:

- Lid is intact and lockable.
- Box is structurally sound; No jagged edges.
- Provides safe mounting base for shore-power.

Boxes that will not be replaced:

- Dirty boxes.
- Chipped lid or molded box lip.
- Small cracks or holes.
- Previously repaired or replaced boxes.

# Dock Box Condition Survey

- Surveyed condition of dock boxes at Squalicum Harbor in September 2012
- Survey results for Gates 3,6,8,9,12
  - 230 boxes missing or with existing damage.

# Proposed Dock Box Program

- Replacement work phased over 2012-2013
- Goal to have functional dock boxes at Squaticum Harbor by the end of 2013.
- Complete this work within existing moorage rate formula.

# Funding

- Work will be accomplished within the existing Blue-line with no impact to moorage rates.
- Transfer excess money from existing Inner-Harbor CIP projects due to favorable bid-environment.
- \$50k budgeted in 2012 for dock box purchase and install.

# Timing

- Dock boxes will be replaced over the next two years.
- Replacement will coincide with previously planned CIP work on Gate 8 and Gate 9 as part of Inner Harbor Implementation in 2012 and 2013.

# Squalicum Harbor Outer Basin



# Squalicum Harbor Inner Basin



Questions?