PORT OF CENTRALIA
Established 1986

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Minutes
Regular Meeting of the
PORT OF CENTRALIA
July 6, 2022
Port of Centralia Administrative Office & Via Teleconference
3:00 PM

Attendees: Commissioners: Kyle Markstrom, Julie Shaffley, Peter Lahmann
Executive Director: Kyle Heaton
Press: Susan Delaire, Business to Business (via teleconference)
Public: Gary Odegaard; Anne Sturdevant; Sean Swope, Lewis County Board of County Commissioners; Brian Dow; Lindy Waring; Jan Banevich; Joyce Barnes; Chad and Coralee Taylor; and Bob Jackins
Teleconference: Three unknown callers

1) **Call Meeting to Order/Introductions:** Commissioner Markstrom called the meeting to order at 3:00 p.m.

2) **Approval of Agenda:** Commissioner Shaffley made a motion to approve the July 6, 2022, agenda as submitted. Commissioner Lahmann seconded the motion. The motion carried.

3) **Good of the Order/Public Comment:** Gary Odegaard, of Centralia, Precinct 10, said that at the last meeting Commissioner Markstrom mentioned the possibility of using Zoom and asked how it was coming along. Commissioner Markstrom said that there had been some recent issues with Zoom for use at government meetings so the Port was looking into it and other options. He said that it doesn't appear that Zoom is the right tool for a public agency. Gary Odegaard asked if Commissioner Markstrom knew what the problem was. Commissioner Shaffley said that there was an incident at the last City of Centralia Council meeting. The meeting had to be adjourned for a period of time to shut down because of a very large disruption. Gary Odegaard said that maybe it would be community counteracted and corrected. Commissioner Shaffley said that hopefully it would be. Gary Odegaard said that he would think with the spirit of the American Disabilities Act the Port would have something, because he has mentioned his wife's mobility problems and many other peoples'. He also said that The Chronicle was on the ball with its coverage of the WinCo Foods story and congratulated the reporter, saying that he learned a lot from the article. He said that the problem was he thought the story was designed to print before the meeting was held on Wednesday and asked where the paper is printed. Chad Taylor said that it is printed in DuPont. Coralee Taylor said the Lakewood area. Gary Odegaard said the paper then has to be placed in the mail. Coralee Taylor said that the paper comes out on Tuesdays and Thursdays. Commissioner Markstrom requested that the public limit the crosstalk. Gary Odegaard said that the Commissioners must have known about this detail before they took the vote, like what was in the paper. Commissioner Markstrom replied that things are always moving and working and the Commissioners are always aware of things being worked on. Gary Odegaard said that he thought the audience should have been told more details before the motion was adopted, not that he was against it. He said the public would like to know more of what is going on. He said that Saturday's paper reported the meeting and he said he was watching them.

Jan Banevich, of Centralia, suggested that the public comment time be moved to the end of the meeting so the public can comment on what is going on in the meeting or what has been voted on, or both at the beginning and the end of the meeting. She said that nobody can comment on whatever is discussed in the meeting and it is excluding the public. Commissioner Markstrom stated that the public comment time was moved to the beginning of the meeting based on feedback from a constituent that thought it would be better to comment before the Commissioners take action. He added that the Port will take a look at what works best moving forward but that it doesn't always make sense to be flip-flopping and making changes regularly. Gary Odegaard asked if he could comment because he was the one who requested it. Commissioner Markstrom said that Gary Odegaard could take credit for it if he was willing to. Jan Banevich said that, on behalf of the Centralia Citizens for an Open and Honest Port, she would like to invite all of the Commissioners to join their group and answer members' questions or address their concerns. She said that this has been brought up quite a bit with members and since the Commissioners have nothing to hide there certainly is no reason not to do it. She said that if the Commissioners would like to give her a time and date, either together or separately, she would appreciate it. Commissioner Shaffley commented that it would be a violation of the Open Public Meetings Act to have three Commissioners answering questions on any type of platform. It would be a discussion and considered an action, which would violate OPMA. Jan Banevich said that she has heard that as long as the Commissioners do not address each other, then they can do that. Commissioner Shaffley said that it would be addressing an action and a question would be an action, according to the Attorney General's Office. The AG's Office told her that any time the three Commissioners would be answering questions, whether in a group, a gathering, whatever, as long as there is an action and constituents would be talking to them or asking them questions, then it would be construed as an open public meeting and the Commissioners would be violating that. Commissioner Markstrom said that there are business cards for the Commissioners in the front office with their email addresses on them and they are happy to communicate with constituents via email. Jan Banevich said that she does not get answers when she emails Commissioner Markstrom. Commissioner Markstrom said that Jan Banevich's public comment time of three minutes was up.

Joyce Barnes, of Centralia, said she had no comment.

Bob Jackins said that he had no comment.

Brian Dow, of Centralia, suggested that the public comment time issue compromise with some time at the beginning of the meeting and some time at the end. Since the meetings don't last long, he said that with a few more people commenting it may be a 20-minute meeting instead of 15 minutes. Commissioner Markstrom reiterated that the change was requested by a constituent and said that you can't always make everybody happy. Brian Dow also said that at the last meeting a Commissioner reported that there has been collaboration between the Port and the County and that the two entities have been working together well. He said that he talked to that Commissioner at the meeting but didn't get a clear picture of what those projects were and wondered if the Port could detail that out a little more. Commissioner Markstrom replied that he would be happy to talk to Brian Dow about that but at a more appropriate time.

4) **Approval of Minutes:** Commissioner Lahmann made a motion to approve the June 22, 2022, regular meeting minutes. Commissioner Shaffley seconded the motion. The motion carried.

Commissioner Shaffley said that she would like to note that under Approval of Agenda Commissioner Lahmann said that according to OPMA meetings that are held outside of the normal days are no longer regular meetings. She said that she looked up RCW 42.30.090 and it says that an adjournment or postponement can happen at any time and it needs to be posted on the front door of the meeting room. It can be re-adjourned the next week or whenever and it will be a regular meeting, not a special meeting. She added that House Bill 1329 says the same thing; a meeting that is adjourned or postponed will still be considered a regular meeting and not considered a special meeting. Commissioner Lahmann said that he would like to discuss that because it says that a governing body may adjourn any regular meeting/any special meeting to a time and place specified in the order of adjournment and the Port did not have an adjourned meeting. He said that the Port had an adjourned regular meeting and then it was noted that the Port was going to have a special meeting. Commissioner Shaffley said that if Commissioner Lahmann would go further into the adjournment RCW, according to Robert's Rules of Order, it's an adjournment and/or postponement, not just an adjournment stopping a meeting. If the Port postponed a meeting, the next meeting would be the next regular meeting, not a special meeting. Commissioner Lahmann said that the Port did not postpone a meeting because a meeting wasn't called, so there was nothing to postpone. Commissioner Shaffley said that there was a regular meeting scheduled. Commissioner Lahmann said that the meeting was not convened, so it was not a postponement and it makes it a special meeting. Commissioner Shaffley said that it does not. Commissioner Lahmann said that he has talked to the Attorney General's Office, too. Commissioner Shaffley said that according to the RCW and House Bill she cited, any regular meeting, which would have been the third Wednesday of the month, which is the Port's regular scheduled meeting, it was postponed and it was noticed. She said that the notices went out within 24 hours of the regular scheduled meeting that that meeting was postponed until the following week. Commissioner Lahmann said that it was a reschedule. Commissioner Shaffley said that rescheduled, adjourned, and postponed are all the same thing. Commissioner Lahmann said that they were not and that is not what it says in state law. Commissioner Shaffley said that they do according also to OPMA and the Port's attorneys. Commissioner Lahmann said that Kyle Heaton said in the meeting minutes that according to the Port's attorneys it was a special meeting. Commissioner Shaffley said that it was a postponement and that Commissioner Lahmann had questioned the postponement. Commissioner Lahmann said that he had questioned the reschedule. Commissioner Shaffley said that the meeting minutes stated that Commissioner Lahmann said that he wasn't sure if it could be a rescheduled meeting and yes, it could be a rescheduled meeting. Kyle Heaton told the Commissioners that the previous meeting was, in fact, a rescheduled meeting and prior to rescheduling it, the Port reviewed it with counsel. Counsel approved of the process and it is in compliance with OPMA. He said that they could get into the semantics of the words but the bottom line was the Port's attorney reviewed it and the Port is in compliance. He believes the Port is in compliance, as does the Port's auditor, and he said that he stood ready to face the State auditor on the same. He said that he had no concern whatsoever. Commissioner Lahmann asked if there was a letter from the Port's attorney saying that. Kyle Heaton said they did not. Commissioner Markstrom said that this was not the first time that the Port has done this and the issue has not been raised. Commissioner Lahmann said that it has been raised but not resolved.

Commissioner Lahmann and Commissioner Markstrom voted in favor of the minutes. Commissioner Shaffley opposed the motion and said she would like to have them amended. The motion passed two to one.

5) **Approval of Warrants:** Commissioner Shaffley made a motion to approve warrants 22542 through 22566 with an aggregate amount of $70,086.20. Commissioner Lahmann seconded the motion. The motion carried.

6) **New Business:**

a) **Executive Director Report:** Kyle Heaton stated that the maintenance crew finished mowing before July 4, 2022. He said the higher areas were done even though there was not a great fire danger this year due to a very wet spring. He said that the grass management continues since the maintenance crew hasn't been able to spray due to the wet weather. He said the cost of spray has tripled, as well as the cost of off-road diesel, so they are being very careful about when they mow and when they don't. The ordinance reads "grass that is 12-inches tall, dry and dead," not "12-inches tall and green." He said that the Port has gone around about that for decades but is very clear on the ordinance so is in good shape. The Port did not have any neighbors that were upset with the mowing that was done. He added that the Port's contract farmer is making hay on Port property on dry days and field mowing on wet days. He reported that the maintenance crew is continuing aggressively spraying for poison hemlock at it is found on Port property. He said that the Noxious Weed Control Board is correct in that it is becoming a real problem in Lewis County and everyone needs to be treating it. He encouraged the public to educate themselves on poison hemlock and said that there is no antidote for it if it is touched.

Kyle Heaton said that there were no incidents with tenants over the 4th of July. There was a little bit of illegal firework activity but the crew cleaned it up and it was gone quickly.

Kyle Heaton reported that the side sewers on Midway Court were flushed the previous week. He said that it had been 15 years since it was last done so it was due.

Kyle Heaton stated that the Port has been working with the Lewis County Auditor's Office on redistricting the Port Commissioner districts and said they have been great to work with. He said the Port now has what it needs to move forward with the redistricting and it will begin to schedule those public hearings in accordance with the RCW. He said the Port expected it to be in late July or early August, which is well ahead of the November timeframe. He said that significant changes to the existing districts are not expected.

Kyle Heaton reported that Furgerson Schmidt and Linden Comansa are both working their way through the SEPA process and he expects to have something for the Commissioners on those at the next meeting, as well as from Plastic Services and Products on their expansion.

Kyle Heaton said that WinCo continues to move along with their diligence work.

b) **Determination of Conceptual Site Plan Review – WinCo Foods:** Kyle said that WinCo had submitted their Determination of Conceptual Site Plan Review and it had been reviewed by himself and the Port's land-use attorney and planner, along with the findings.
He read the following from the Port's Master Plan: "1. Concept Site Plan Approval is approval by the Port Commission of general plans and specifications for consistency with the goals and policies of the Port Master Plan. Concept Site Plan Approval is required for sale of Port property in its Master Plan area. For purposes of Park 1 and Park 2, the Port Commission's grant of Concept Site Plan approval is deemed to satisfy the requirements for written Port approval of

plans and specifications consistent with the requirements of RCW 53.25.120 so long as the procedural requirements of RCW 53.25.120 are met. 2. Concept Site Plan approval must be followed by Detailed Site Plan Approval, as further described below. Detailed Site Plan Approval may occur after the sale of Port property but is required prior t development permits in order to assure consistency with the Concept Site Plan approval. The minimum submittal requirements for a Concept Site Plan Approval are set forth in Section III.A."

Kyle said that WinCo has submitted for conceptual approval and provided the findings for the Commissioners. He reported that WinCo's facility will be 80,000 square feet with an additional 11,000 square feet of retail and another additional 5,000 square feet of retail on the same site, which will come forward in the detailed site plan review.

Commissioner Shaffley made a motion to approve the Determination of Conceptual Site Plan Review with WincCo Foods. Commissioner Lahmann seconded the motion. The motion carried.

Commissioner Lahmann asked if the lot lines that were discussed at the last meeting were resolved. Kyle Heaton replied that it will take several months but the Port is continuing to work on it. Commissioner Lahmann asked that the holdup was. Kyle Heaton suggested Commissioner Lahmann ask the City Planning Department. He said that he doesn't set the timeframe for boundary line adjustments and that they take a minimum of 60 days to complete. Commissioner Lahmann asked what the City has to do with the boundary lines and that the Port has a surveyor. Kyle Heaton replied that the City is the authority that approves boundary line adjustments, including the City Engineer, so without their approval review, it cannot move forward. Commissioner Markstrom added that the wheels are in motion.

c) **Committee Reports:** Commissioner Shaffley reported that she attended the Centralia-Chehalis Chamber of Commerce board meeting and announced that the Chamber is holding a Business After Hours at Riverside Golf Course on July 14, 2022, at 5:00 pm supporting Visiting Nurses Foundation. She said that it is the kickoff to their golf tournament. She added that the Seattle to Portland bike event will be on July 16 and 17, 2022, which the Chamber will be helping with. She said that it is a very good event for the community with a lot of new people coming in. She said that the event will be smaller than in previous years, but for every cyclist there will be two to three supporters that shop in the community's stores, at restaurants, and stay at hotels. She added that she also went to the Economic Alliance of Lewis County's board meeting on July 20, 2022, at 12:00 pm there will be a presentation on cultivating inclusion by the Lewis County Autism Coalition and Morningside. She said that she works with Morningside with doing assessments for some of their clients and that they're a very good company, so she recommended everyone attend the presentation.

Commissioner Lahmann stated that he attended the Centralia City Council meeting and the Lewis County Board of County Commissioners meeting. He said the Centralia College Center of Energy had an employment summit meeting discussing employment in the hydrogen industry and how positions will be filled. He asked for a copy of the properties that the Port has for sale and available in Parks I, II, and 3. He also asked if the Port is moving forward with City Light for Park 3 because he has been doing a little studying and the lead time for a transformer is 50 weeks when three years ago it was 12 weeks. Commissioner Markstrom said that all of the developers are aware of that and are moving things forward.

Commissioner Markstrom reported that he will be attending a WPPA meeting at the end of the month in the Tri-Cities. He said there are a few seminars that he is looking forward to. He commented that it looks like the City of Centralia's work on Harrison Avenue is nearly complete and that it looks fantastic. He said that it has opened that area and made it a lot safer.

7) **Adjourn:** Commissioner Lahmann made a motion to adjourn the meeting at 3:26 p.m. Commissioner Shaffley seconded the motion. The motion carried.

COMMISSIONER

COMMISSIONER