PORT OF CENTRALIA
Established 1986

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Minutes
Regular Meeting of the
PORT OF CENTRALIA
December 21, 2022
Port of Centralia Administrative Office & Via Teleconference
3:00 PM

Attendees: Commissioners: Kyle Markstrom, Peter Lahmann, and Julie Shaffley
Executive Director: Kyle Heaton
Public: Paul Crowner, Jan Banevich, Scott Tennant, Bob Jackins, Steve Wagenseller, Dawn Merchant, Jan Nontell, Lewis County Commissioner Sean Swope, City of Centralia Mayor Kelly Smith-Johnston, Lewis County Public Works Director Josh Metcalf, Steve Ryan, Centralia-Chehalis Chamber Director Cynthia Mudge, City of Centralia Councilor Elizabeth Cameron, and Brian Dow
Press: Owen Sexton, The Chronicle
Teleconference: Seven 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 December 21, 2022, agenda as submitted. Commissioner Lahmann seconded the motion. The motion carried.

3) **Good of the Order/Public Comment:** Commissioner Markstrom stated that this time during the Port Commission's meeting is for the public to provide their comments. The Port Commission welcomes and encourages their comments and participation. He said that the public is welcome to comment on items on the agenda or items not on the agenda; however, this is not time for the Commission to answer questions. He said that if the public asks a question and would like a follow-up, to please provide contact information and the Port will do its best to follow up at a later date. He said that those attending remotely via teleconference or others who are unable to attend can submit written comments to agraber@portofcentralia.com before 2:00 p.m. the day of the meetings. Those written comments will be attached to the meeting minutes. He added that everyone is lucky to live in a great community where they are all passionate about making the community a great place to live. While everyone might not always agree on how to achieve that, it is important that everyone recognizes that they can all be passionate about their ideas while also respecting each other. He reminded everyone that they have three minutes for their comments and if the time limit is reached, he will ask them to wrap up their comments.

   Scott Tennant, United Brothers Carpenter, and their political action committee, stated that he has spoken a couple of times at Port meeting, and he would like to thank the commissioners and the board for allowing him to come and speak this year. He knows that the Port meetings can be very colorful and a heck of a lot of fun and he just wanted to say thank you and Merry Christmas. Commissioner Markstrom thanked him for his comments.

   Jan Banevich, of Centralia, wondered why any of the Commissioners would acquire a current Port's Executive Director and enter into a contract with him that states in part, "Termination for good cause

is defined and limited in scope. 1) If the employee is convicted of a felony involving moral turpitude or, 2) embezzlement for good cause. Shall no circumstances include an instance of negligence or failure to act, whether due to an error in judgment or otherwise." She said that, in other words, Kyle Heaton can only be fired if he is convicted of rape. Commissioner Markstrom interjected that he was going to stop Jan Banevich's comments. He said that he was not going to allow that language in the Port Meeting. Commissioner Markstrom informed her that she was done with public comment. Jan Banevich stated that Commissioner Markstrom just violated her constitutional rights. Commissioner Markstrom stated that her public comment time has been ended and asked her to please stop.

Dawn Merchant, Centralia, asked Commissioner Markstrom if he still planned on having a public meeting for Centralia Station as stated on his Facebook page and he if knew when that was going to happen. She asked if it would be posted on the Port's Facebook page or on his page because she hasn't seen anything. She said she would like a response from the Port on this and left her number. Commissioner Markstrom replied okay and thanked her for her comment.

Steve Ryan, Chehalis, stated that he was there to thank the Port of Centralia for the job creation, the tax base creation, and the boost to the economy in our community. He stated that Port of Centralia is where things are happening and where Lewis County is growing. He stated that he spent ten years on the Lewis County Planning Commission and was once chair and being chair can be difficult and he applauds Commissioner Markstrom for trying to control the meeting. He stated that he had lunch with an associate recently who was on the planning commission with him, and he was complaining about the City of Chehalis and problems he has with them and used some adjectives to describe these folks. He was quickly reminded that there is a system and there are people and if you don't like the system, then attack the system but when you attack the people, then you are just being malicious. He added that people are possibly trying to take over the system and he thinks that is what is happening at the Port. He said that there is this movement going on social media with people coming to personally attack Port staff members and that is not acceptable. He said if you want to bring something to the table to make it better then please bring it to the table to make it better but don't attack people. He stated people need to do a better job themselves by not attacking the people and bring something constructive to the table or don't bring anything at all. He thanked the Port for the opportunity to speak and wished everyone a Merry Christmas.

4) **Approval of Minutes:** Commissioner Shaffley made a motion to approve the December 8, 2022, regular meeting minutes and public hearing minutes. Commissioner Markstrom seconded the motion. The motion carried.

5) **Approval of Warrants:** Commissioner Lahmann made a motion to approve warrants 22825 through 22846 with an aggregate amount of $74,585.77. Commissioner Shaffley seconded the motion. The motion carried.

6) **New Business:**

   a) **Resolution No. 2022-10 – Supporting the West Connector Project:** Kyle Heaton read Resolution No 2022-10 aloud. Commissioner Markstrom stated that this Resolution is extremely important to the Port and our community and is something that he has been involved with for a while. He stated he met over a year ago with a county commissioner, the city, and legislators to

discuss the future of our community and this Resolution covers it. He stated that some stakeholders were attending and asked if they would like to make a comment.

Lewis County Commissioner Swope said he really appreciates the support of the Port and in the last two years as Commissioner seeing the collaboration taking place with different entities is refreshing and to see this project move forward with support from legislators all the way down to staff members.

City of Centralia Mayor, Kelly Smith-Johnston, stated that she can't speak on behalf of the council but said as her role as Mayor this is one of her priorities. She stated that most of us who live here know we only have two North to South routes and one of them is I-5 and we have minimal East to West growth because of these factors and the West Connector Project is critical to allowing traffic to move more freely and to provide access to our hospital and schools during flood events. She continued that during the last flood event her only option to get over to the emergency shelter at Centralia Middle School was over Cooks Hill. She stated that the West Connector is absolutely needed for not only emergencies but for regular traffic flow. She continues to see the need for a North County Interchange and that she understands if they address the congestion and traffic flow it will help get approval and funding for that interchange. She said the City of Centralia is continuing to look at utilizing their dollars to help with some of the road improvements outside of the interchange. She stated that she appreciates the Port of Centralia's support. Commissioner Markstrom thanked her for her comments.

Josh Metcalf, Lewis County Public Works Director, stated that he appreciates the Port of Centralia's support and taking this step. He stated that Lewis County has been working very hard and closely with their partners to get where they are right now and believes that it is a step in the right direction. He stated that after taking a step back from the North County Interchange this project is needed, and that funding is there and they want to make sure they use it correctly. He continued that they do have the Reynolds/Harrison Avenue project that they have been working very closely with the City of Centralia on and trying to get that project started. He stated that Lewis County has also been working with the Economic Alliance to help get a package put together to send to the legislature for funding so they can move forward. He stated that engineering and permitting of that project has started and he is trying to finish the last piece of Harrison between the City and County line and the railroad crossing. He stated that the railroad has been supportive of the project and was fortunate enough to receive federal monies from the National Freight Program to replace switches at Reynolds and expand the 2nd and 3rd tracks to add storage, which is one of the problems that creates backups on Reynolds where there is a train.

Josh Metcalf stated the 3rd critical component is the West Connector project which is another large project. Commissioner Markstrom stated that some people may not know what West Connector Project is, but it was at one point referred to as the Schueber Road Bridge. Josh Metcalf responded yes and that has been expanded slightly. He stated they are looking at different phases and a possible connection between Harrison Avenue and Highway 6 to provide an alternative route for emergency services and local. He stated that this project is very expensive, and they have taken a very critical step forward this year by partnering with the City of Centralia and Chehalis Basin to purchase a piece of property on the Schueber Road side where the new bridge would touch down. Lewis County is in the process of working with a consultant to complete a federal BRIC application which is used through FEMA to look at the bridge itself

and will also being studying the next rain experience for funding of the next planning stage. He continued that Lewis County does have 50 million dollars in Connecting Washington Funds and they want to make sure to keep that money local. He stated that there is a comprehensive traffic study that is happening between Grand Mound and Mellen Street to help identify what the preferred and the proper solution to the I-5 connection is, which is a critical piece for managing the commercial and local traffic.

Commissioner Markstrom asked Josh Metcalf if he could explain the importance of these two projects with receiving approval for new access to the freeway in the future. Josh Metcalf responded that is how they have gotten to this point. He stated that there is commercial traffic and local traffic who are trying to get to the same place and as a community we care about both but the FHWA cares about the interstate. He continued the goal now is to get that money that has been allocated by the State Legislature and use that for local improvements that are tied to the interchange project and by completing these local improvements, the plan is it will help leverage the County's stance with FHWA in the future. He continued that the interchange configuration is estimated to be complete by the Summer of 2023 and these other projects are running concurrently so they are working very closely with WSDOT. He stated that they want to leverage the state money to do the local improvements and then they can go back to the state for some more money for the intersection. Commissioner Markstrom stated that he thinks that was one piece that was confusing to the community, that the $50 million allocation for the North County Interchange was a rubber stamp of approval. He continued that because the funding was there did not mean FHWA was going to allow access for a new ramp, but these local projects are going to help build the case to allow that access in the future. Josh Metcalf agreed and said these projects came about a year and half ago after meeting with FHWA and it was decided that some decisions needed to be made a local level to be able to better position ourselves. Josh Metcalf stated that he has been meeting with different stakeholders and there will be lots of public meetings coming up to allow the public to ask questions and get information.

Commissioner Swope stated that the reason the Reynolds Road project is so vital to our area is because it is going to open a new opportunity for housing. This project will put new infrastructure in place to allow for growth.

Commissioner Markstrom opened public comment for the West Connector Project limited to three minutes. Elizabeth Cameron, City of Centralia, stated that she is supportive of this project and felt it has been needed for a long time. She has traveled many times on I-5 wishing that the North County Interchange was there around the industry and freeing up the traffic on Harrison Avenue and she appreciates the Port of Centralia's input on this project and thanked them.

Commissioner Lahmann stated he had a question for Josh Metcalf or Commissioner Markstrom, whoever was most appropriate to answer. He asked if this project would require additional legislative action to change the course of that 50 million dollars and that in his experience when funds are designated for a certain project, if it is not utilized for that project then it goes back to the general fund to be reallocated. Josh Metcalf answered that is part of the reason why this group has been working hard to actually get some activity going forward was due to this funding. He stated the first 1 million wasn't allocated until 2023-2025 and his fear was if that money didn't get used then it would be allocated to something else, and they have been working very closely with local representatives to ensure that doesn't happen. This project was put together to try and get that money to move forward and essentially using it for the Reynolds project and to

move forward with traffic and feasibility studies and they've been continuing to have that discussion with them for these local improvements, specifically, Reynolds Road and the West Connector. He stated the funds are not specific to the interchange, but they are specific to improvements so, looking at the scope and how these funds are earmarked and staying within those details is critical to making sure we don't lose those funds. He said that they are working with WSDOT because the funds come through them. Commissioner Lahmann asked if it was through the transportation budget and Josh Metcalf responded yes.

Commissioner Markstrom stated that all the local legislators have been involved in this. Commissioner Shaffley thanked Josh Metcalf for the collaboration with all of the entities and for his vision of the future for our community. She stated that it is wonderful to see because we are dealing with problems at the present time, and she appreciates all of his hard work behind the scenes that he has been doing along with his regular job.

Commissioner Lahmann added that he would like to give a historical perspective on this project. He stated that one of his mentors in his youth, Frank Garland, used to serve on the Planning Commission for Lewis County. He stated many years ago there was $20 Million allocated for the Schueber Road Bridge project and Frank had told him he voted against it and later said that was the stupidest thing ever did in his career. He added that however many years ago that was, it has taken this long to get back to where that project was raised to the level it is.

Commissioner Lahmann stated this money was originally put together to help with the development of the TransAlta project and we seem to have moved away from that and it troubles him. Josh Metcalf replied that this conversation has been brought up and part of the reason they got to this bigger area is because originally, they were just looking at the Harrison Interchange and the Port and they were looking at the scoping of that project. He asked that they expand them to include Grand Mound because there is a significant development happening there as well but a lot of that is commercial and Mellen is the influx of this area as well. He said there is also the Chamber Way WSDOT project. They don't have money to go beyond those projects so it's a logical point to tie them together. Part of the conversation was IPAT is still there but not happening like it was forecasted when put together. They don't want to take it out of the picture but they need to address what is happening now and what the reality is and so it's still on the table, but they are looking at what the trip generators are now and what that might look like in the future. He stated that even if IPAT takes off it is going to be several years before it starts generating any kind of traffic. He added not to take away from IPAT, but it hasn't developed as they had planned so they really needed to take a step back and look at what they need to do now.

Commissioner Markstrom stated that this is about mitigating local traffic now until we these other projects in the future. He said the likelihood that FHWA is going to allow that ramp is significantly less without these improvements. Josh Metcalf responded that some other things need to happen if IPAT develops as Highway 507 won't support it. He added that part of the pitch to get this money is that there is a whole lot of other things that need to happen that the $50 Million won't even touch.

Commissioner Lahmann asked if there were any preliminary drawings or a rough conceptual drawing because he has not seen anything, and he was just informed about this 24 ½ hours ago. Josh Metcalf asked if he was asking for the Reynolds Road Project or the West Connector Project. Commissioner Lahmann asked for the West Connector Project. Josh Metcalf responded

no but there were preliminary plans that were done sometime in the early 2000s when they were looking at the bridge and had designed the size and location of the bridge. He stated that they are going to start with those drawings in their application for federal money, but they need to reevaluate those drawings as that was 20 years ago and it's going to be different now with the possibility of it going all the way to Highway 6 and that whole corridor. He added that the Reynolds Project the consultant is tasked to evaluate the traffic and make sure those improvements are going to be sufficient as well as adding pedestrian components.

Commissioner Markstrom thanked everyone involved and said that he is honored to be somewhat involved in something that is going to be so transformative to the community. He added that he tried to think about other projects in his lifetime and these projects will be the biggest in his lifetime and that future generations are going to get to enjoy better access to the hospital and rest of the community.

Commissioner Shaffley made a motion to approve Resolution No. 2022-10 supporting the West Connector Project. Commissioner Lahmann seconded the motion. The motion carried.

Commission Lahmann added that he would have a liked a little bit more information and did not like how the Resolution was written but he did approve of the West Connector Project. He stated that he does approve the economic development goals that we are going for, but he would be remiss if he said no and if there is some way to pull 50 and half million dollars into our community to help with economic development then how could we say no.

b) **Small Works Project #22-10 – Asbestos Abatement 1104 Brotherson Road:** Kyle Heaton stated that this is for eight units of the Brotherson Apartments. The final four units is expected to be changed ordered on to this contract as those asbestos reports just came in. He stated that the Port received two bids, one from 3 Kings Environmental and the other from KD&S Environmental. He said the apparent low bidder is 3 Kings Environmental with a bid of $58,806.70 including sales tax and added that this work is to remove popcorn ceilings.

Commissioner Shaffley made a motion to approve Small Works Project #22-10 to 3 Kings Environmental in the amount of $58,806.70. Commissioner Lahmann seconded the motion. The motion carried.

c) **Committee Assignments:** Commissioner Markstrom stated that committee assignments is for information only and not something voted on but each Commissioner has their 2023 assignments in their packets.

d) **Commissioner Reports:** Commissioner Shaffley thanked everyone for attending and wanted to wish everyone a very Merry Christmas and a happy, healthy, and prosperous New Year. She added that it is exciting to see so much going on in our community and she is happy to be a part of it and is excited to see the future.

Commissioner Lahmann stated that he has attended a couple city council meetings and a couple county commission meetings, including the mayor's meeting. He said that he was kind of goofing off last time when the meeting got changed as he was slated to give a presentation at the Washington Public Ports Association so at the time of the last Port meeting that is what he was

doing. He said he was talking to them about apprenticeship internships and hiring military. Commissioner Markstom asked him if that was for his day job and Commissioner Lahmann responded yes. Commissioner Lahmann stated that he was a scheduled presenter and could not change that at the last minute for the Port meeting.

Commissioner Markstom stated he did not have any reports but wanted to wish everyone a Merry Christmas and Happy New Year. He said that there is an event that evening at the Juice Box and the Borst Park Lights is another fun thing to do, especially for kids, and all the money goes to nonprofits.

7) **Adjourn:** Commissioner Lahmann made a motion to adjourn the meeting at 3:37 p.m. Commissioner Shaffley seconded the motion. The motion carried.

COMMISSIONER

COMMISSIONER

From: JAN Banevich
Sent: Wednesday, December 21, 2022 1:45 PM
To: JAN Banevich
Subject: Original attempt To state on Dec. 8, 2022 - violated

I wonder why any commissioner would have hired the current port Executive Director and entered into a contract with him that states in part: "Termination for "good cause" is defined and limited as follows: (1) Employee's conviction of a felony involving moral turpitude, or (2) embezzlement. "For Good Cause" shall in no circumstances include an instance of negligence or failure to act, whether due to an error in judgement or otherwise."

In other words, Director Heaton can only be fired if he is convicted of rape or steals money from the Port. Also, he cannot be fired for neglecting his duties. This is just to simplify the meaning of "moral turpitude". There are many more things that fall under that term.
This contract should never have happened! Did the commissioners even read the contract before signing?

Furthermore, last year you rewarded this Director with a huge 41% salary increase without ever having done the required performance evaluations as stated in the Port Policies. I wonder if this could be considered a "Gift of public funds". It's certainly not in the public's best interest.

Sent from Mail for Windows

Ms. Jan Banevich

Please attach To meeting minutes.