PORT OF CENTRALIA
Established 1986

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Minutes
Regular Meeting of the
PORT OF CENTRALIA
January 4, 2023
Port of Centralia Administrative Office & Via Teleconference
3:00 PM

Attendees: Commissioners: Kyle Markstrom, Peter Lahmann, and Julie Shaffley
Executive Director: Kyle Heaton
Press: Owen Sexton, The Chronicle
Public: Jan Banevich; Dawn Merchant; Rick Schnatterly; Sally Kloosterman; and Jan Banevich
Teleconference: Seven unknown callers

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

2) **Industrial Development Corporation Meeting:** Commissioner Markstrom adjourned to regular meeting to the Industrial Development Corporation meeting at 3:00 p.m.

3) **Reconvene:** Commissioner Markstrom reconvened the regular meeting at 3:03 p.m.

4) **Approval of Agenda:** Commissioner Shaffley made a motion to approve the January 4, 2023, agenda as submitted. Commissioner Lahmann seconded the motion. The motion carried.

5) **Good of the Order/Public Comment:** Commissioner Markstrom stated that this time during the Port Commission's meetings 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.

   Jan Banevich, of Centralia, stated that at the last two Port Commissioners' meetings, the Commissioners took away her constitutional protected civil rights simply because they did not agree with her viewpoint regarding her clarification of 'moral turpitude,' a term used in the Port director's employment contract. She said that although the Commissioners did not have to agree with her viewpoint or her choice of words to clarify 'moral turpitude,' for those who are unfamiliar with that term, according to the American Civil Liberties Union and the Constitution

of the United Stated, the Commissioners did not have authority to restrict her freedom of speech or expression. She said that by doing so twice, the Commissioners may have become a liability to the entity and quite possibly have put themselves in a position to be subjected to lawsuits should she choose to pursue that avenue.

Dawn Merchant, of Centralia, declined to make public comment.

6) **Approval of Minutes:** Commissioner Shaffley made a motion to approve the December 21, 2022 regular meeting minutes. Commissioner Lahmann seconded the motion. The motion carried.

7) **Approval of Warrants:** Commissioner Lahmann made a motion to approve warrants 22858 through 22871 with an aggregate amount of $289,334.58. Commissioner Shaffley seconded the motion. The motion carried.

Commissioner Lahmann asked, regarding Warrant 22868, what signs the Port was upgrading. Kyle Heaton responded that the warrant was for more than one thing. He said that some signs have worn and are being replaced, and the warrant is also for working on the Port's website.

8) **New Business:**

a) **I-5/Mellen Street Connector Stage 1 – Pay Estimate #1:** Kyle Heaton stated that Pay Estimate #1 is for the I-5/Mellen Street Connector Stage 1 from Midway Underground in the certified amount of $901,917.37. The Pay Estimate has been reviewed by the Port's engineer and by the Washington State Department of Transportation. He said that the Commissioners are the last stop for payment. Pay Estimate #1 is for work completed through November 30, 2022, and Midway Underground has made significant progress since then, so Kyle thought that there will probably be another pay estimate at the next meeting to catch it up. Commissioner Markstrom said that was fantastic. Kyle Heaton said that the Port's engineers recommended approval of Pay Estimate #1 and that he had reviewed it and, finding no mistakes, he recommend approval as well.

Commissioner Shaffley clarified that the pay estimates are reviewed and signed off by WSDOT, and then reviewed and signed off by the Port's engineer. Kyle Heaton replied that was correct.

Commissioner Lahmann moved to approve Pay Estimate #1 to Midway Underground in the amount of $901,917.37. Commissioner Shaffley seconded the motion. The motion carried.

Commissioner Lahmann asked if the certified payroll was done. Kyle Heaton responded that he said the amount certified was $901,917.37. Commissioner Lahmann asked if the Port had the certified payroll or gets a copy of the certified payroll. Kyle Heaton replied that Midway Underground was in compliance with the Washington State Department of Labor and Industries or the Port would not release payment. Commissioner Lahmann asked how the contractor's apprenticeship utilization was coming along and if they were meeting the 15% requirement. Kyle Heaton stated he was not aware that they are required do that as it is not in the contract documents that he was aware of. He stated that he would have Amy Graber dedicate some time to that requirement and find out and have her track her time.

Commissioner Lahmann stated that is it his understanding that public projects like this over $1 million and when WSDOT money is involved then there is a 15% apprenticeship utilization requirement. Commissioner Markstrom asked if Commissioner Lahmann was saying that is a requirement from WSDOT. Commissioner Lahmann responded that it is a requirement from the State since the Port is a public entity and the project is over a $1 million project so there is a 15% apprenticeship utilization requirement. Commissioner Markstrom asked if WSDOT was the overseeing agency for that and Commissioner Lahmann responded that the Port is the owner so, ultimately, the Port is the oversight and that was why he was asking about certified payroll. Kyle Heaton stated that he will have the Port's auditor look into Commissioner Lahmann's request on apprenticeship utilization. Commissioner Lahmann thanked Kyle Heaton for doing do.

Commissioner Markstrom commented that he is excited to approve the pay estimate. He said that this was the first money spent on this big project and it was awesome to see dirt moving. Commissioner Shaffley said it was a lot of dirt. Commissioner Markstrom agreed.

b) **Commissioner Reports:** Commissioner Shaffley reminded everyone that the Chamber Forum was going to be on January 12, 2023, from 11:30 a.m. to 1:00 p.m. at O'Blarney's. She said the speaker was going to be Berg Marketing, which is a new business in town, and they are going to be talking about doing business housekeeping with finances and all the things that are put on the back burner that need to be taken care of in 2023. She added that the Economic Alliance of Lewis County's annual banquet will be on February 3, 2023. She said that will be their 40th anniversary and their speaker is going to be for Brandi Kruse. Since it is the beginning of the year, the Economic Alliance will be having new board members and lots of thing are being planned for 2023.

Commissioner Lahmann stated he did get a note from Sarah Kohout, Senator Cantwell's former legislative assistant. He said that she has stepped down from that position and she has moved over to be the administrative assistant for the newly elected Representative Marie Gluesenkamp Perez. He said that he has an email address for her, but not a good phone number, and he would be happy to share that contact information.

Commissioner Markstrom reported that he would be speaking on the Port of Centralia at the Chamber Morning Forum on February 1, 2023, at 8:00 a.m., and said that there will be a Mayor's meeting on January 6, 2023.

9) **Adjourn:** Commissioner Shaffley made a motion to adjourn the meeting at 3:13 p.m. Commissioner Lahmann seconded the motion. The motion carried.

COMMISSIONER **COMMISSIONER**