PORT OF CENTRALIA
Established 1986

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Minutes
Regular Meeting of the
PORT OF CENTRALIA
November 1, 2023
Port of Centralia Administrative Office & Via Teleconference
3:00 PM

Attendees: Commissioners: Kyle Markstrom, Julie Shaffley, and Peter Lahmann
Executive Director: Kyle Heaton
Counsel: Ray Liaw, Van Ness Feldman
Press: Owen Sexton, The Chronicle
Public: Gary Odegaard; Scott Tennant; Jan Banevich; Bob Jackins; Stephanie VonMoos; Jennifer West; and Cynthia Mudge, Centralia-Chehalis Chamber of Commerce
Teleconference: Six 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 Lahmann made a motion to approve the November 1, 2023, agenda as submitted. Commissioner Shaffley seconded the motion. The motion carried.

3) **Good of the Order/Public Comment:** Commissioner Markstrom opened the meeting to public comment and stated the rules regarding public comment.

   Scott Tennant, of Chehalis, commented that the conflict between the Port of Centralia and the citizens of Centralia has been contentious for years and both sides are at an impasse. He stated that the ability to move forward should take precedence over personal grudges and assumed victimhood and the constant bickering does not make an environment for positive change.

   Jan Banevich, of Centralia, stated that she had not received a response regarding her bullying complaint and that either Commissioner Lahmann or a third party should handle it because Commissioner Lahmann was the only one not involved. She said if she continued to be ignored, she would have no other choice but to seek legal advice.

   Cynthia Mudge, executive director of the Centralia-Chehalis Chamber of Commerce, announced an upcoming Chamber event.

   Commissioner Markstrom asked Ray Liaw, of Van Ness Feldman, to address Jan Banevich's comments. Ray Liaw responded that she was aware of Jan Banevich's letter and had been working with Amy Graber to review the Port's policies. She said that the Port Commission has not adopted a process for receiving or responding to citizen complaints.

Commissioner Markstrom asked if the Port was required by Washington State law to respond. Ray Liaw replied that there was no legal obligation to respond to complaints from the public via public agency or port.

4) **Approval of Minutes:** Commissioner Shaffley made a motion to approve the October 18, 2023, regular meeting minutes. Commissioner Lahmann seconded the motion. The motion carried.

5) **Approval of Warrants:** Commissioner Shaffley made a motion to approve warrants 23410 through 23431 with an aggregate amount of $1,244,185.44. Commissioner Lahmann seconded the motion. The motion carried.

6) **New Business:**

a) **Executive Director Report:** Kyle Heaton announced that both Midway Underground and Scarsella Brothers have reached substantial completion for the Mellen Street Connector project for Stages 1 and 2. He gave an update on the remaining work for the project. The boundary line adjustment for WinCo Foods has been completed and Kyle Heaton said that he expected to close with WinCo by the end of the month. He added that there will be a public hearing at the next Commission meeting to review the proposed final 2024 budget.

b) **Commissioner Reports:** Commissioner Shaffley addressed a citizen's concern regarding Port-purchased property they had been told was zoned R8, which is eight-dwellings-per-acre residential property in dense residential districts such as the Logan District and Edison District. Commissioner Shaffley researched the Port's property purchases dating back to 2006 and out of the 41 properties purchased, none were zoned R8. She encouraged everyone at the Port including the Commissioners to be thoughtful and have the correct facts when providing information to the public so as not to mislead the community that elected them. Commissioner Lahmann admitted that was what he had said and apologized if he was wrong. Commissioner Shaffley replied that Commissioner Lahmann should have done his homework prior to misrepresenting to the public that the Port is taking R8 residential property off when that is not what the Port is doing.

Commissioner Lahmann reported that he gave Representative Orcutt a tour of Port property, the proposed site for the North County Industrial Access, and the proposed site for the Scheuber Road bridge. Commissioner Markstrom asked if Port staff also attended. Commissioner Lahmann replied that they had not. Commissioner Lahmann also attended the Centralia-Chehalis Chamber of Commerce and the Thurston County Chamber of Commerce's hiring summit at Great Wolf Lodge.

Commissioner Lahmann said that the Commissioners needed to think about the process when they receive a complaint like the one from Jan Banevich and said that the complaint needs to investigated. Commissioner Markstrom asked Ray Liaw what was typical of other agencies. Ray Liaw responded that there is not an automatic process and each commission body decides if there will be a process and what that process will be, either with the advice of counsel or amongst themselves to pursue investigations. Commissioner Lahmann said that the Port did not have a policy for citizen complaints. Ray Liaw said that the Port did not and some agencies do and others do not, adding it was an agency-by-agency decision. Commissioner Lahmann asked about the status of the ethics resolution rewrite. Commissioner Markstrom

replied that the Commissioners would see something on it soon. Commissioner Lahmann asked where the sign on the podium asking the public not to approach Commissioners came from and what policy it came from. Commissioner Markstrom said that it was standard of governing bodies and given the size of the room and the volatility of the crowd it was important to keep physical separation. Commissioner Lahmann said that he had not seen anything in the written policies. Commissioner Shaffley said it was common protocol with Lewis County and City of Centralia to give documents to staff to be disseminated. Commissioner Markstrom added that elected officials can invite members to approach at their discretion. Commissioner Lahmann then provided his attorney fees for defending himself in the recent ethics violation investigation for reimbursement. Commissioner Markstrom asked Ray Liaw to review Commissioner Lahmann's request. Commissioner Lahmann asked if the annual performance and salary review of the executive director had taken place yet per the Port's personnel policy because he has not seen one. Commissioner Markstrom replied that they have not performed those evaluations because he meets regularly with the Port director and is very aware of the quality of work he is doing. Commissioner Lahmann said that was not an evaluation, which he regarded as mandatory, and said the Commissioners were not following the policy. Commissioner Lahmann said that in public comment the Commissioners have not responded but today Commissioner Markstrom did. Commissioner Markstrom replied that the Commissioners can reserve the right to follow up. Commissioner Shaffley added that it was not a question and answer but the Commissioners do have the right to respond.

Commissioner Markstrom reported that he attended a meeting with Lewis County to discuss upcoming projects in north Centralia. He added that he appreciated the City of Centralia's work on Galvin Road.

7) **Adjourn:** Commissioner Shaffley made a motion to adjourn the meeting at 3:25 p.m. Commissioner Lahmann seconded the motion. The motion carried.

COMMISSIONER

Peter Lahmann
COMMISSIONER