

NEWPORT YACHT BASIN ASSOCIATION
MEETING OF THE BOARD OF DIRECTORS

August 20 and 22, 2014

Notification for these two meetings was given by Steve Rieger in an email dated August 16, 2014. The August 20th meeting was to address the monthly Board business and discuss the Single Site Permit and related documents. The August 22 meeting was to meet with Alan Bohling to discuss the Single Site Permit and related documents. The agenda that Steve sent out is included with these minutes for reference.

AGENDA

NYBA BOARD of DIRECTOR'S MEETING

Wednesday August 20th 2014 – 8:00 AM – 11:00 AM

Friday August 22nd 2014 – 8:00 AM – 11:00 AM

NYB Marina Office

- 1. Owners Attending-** Sid Rubin? (Alan Bohling Friday)
- 2. Call to Order –** Steve
- 3. Secretary Report –** Bill
- 4. Treasurer Report –** Jeff
- 5. Issues for Discussion**

Most urgent issues for Wednesday are related to the Single Site Plan

Bill

1. Plans with the easements show no parking slots are shown directly in front of E dock. Currently, to the left of the E dock gate, there are 4 or 5 spaces for NYBA parking. Why were these not color coded and not showing parking spaces?

Alan response: There is a little bump out of NYBA property but not enough for vehicles. We do not have these spots called out for permit purposes and will continue to allow first come, first serve parking in those spots, non-marked.

2. Will it change when you re-do that section of the bulkhead that you own in front of E dock?

3. Do you plan to re-do that bulkhead in this upcoming construction project?

Alan response: The bulkhead between D/E and E/F will be some time in the future. No plans at this time.

4. We also would like to confirm (and measure) the number of parking spaces along the east section of B dock We also want to confirm the angle of those spaces. They don't appear to be 60 degrees, maybe 50.

Jeff

1. Easement 3 (from smmc to nyba) excludes the portion of which said easement crosses over NYBA owned property (the "island" caused by the adverse possession to the parcel in front of D dock). As a matter of law he cannot grant an easement over property that he does not own

2. Why are we granting to smmc the easement described as C? What consideration are we receiving for forgoing our ability to park on land we own fee simple

3. With respect to the addendum to the single site agreement, what "landscaping" will exist on any of the easement parking property?

4. With respect to easement two from smmc to nyba above also note that the width of the easement at the point of turning south and then west and then north is not consistent with the physical attributes as stated.

5. If the entrance is being moved from its current location on smmc wholly owned property to a different axis any change vis a vis our owned property should result in no net loss to us.

6. Reserve study report.

Sid

1. Boat owners showing insurance and then shortly canceling it after obtaining their parking permit. Means of having a boat owner's insurance company automatically send a letter when the insurance is renewed or cancelled. Theresa at Condo Law has suggested rule additions.

Steve Lewis

1. Issues with defective gate locks.
2. Having staff on hand for weekends. (ie: Wed through Sunday)

Dave Jacobs

1. Requiring info on Docking Registration Form.
2. Extra parking pass exception for owners with multiple slips.

Josh Hawes

1. Cell tower land rent income.

Discussion August 20, 2014:

1. No additional items were brought up by Owners
2. Steve called the meeting to order @ 8:15 AM
Board Members present: Steve Rieger, Jeff Hoyt, Kyle Anderson and Bill Raleigh
Board Member absent: Sean Kearns
Marina Manager: Ton Lisk
Owner Present: Sid Rubin
3. Minutes from the July 14, 2014 meeting were approved.
4. Treasurer Report:
 - a. Jeff handed out the reconciliation report which was approved and attached to these minutes.
 - b. Jeff emailed Kate Nichols letting her know that we can add insurance coverage for the slips at the end of G Dock; however, they will be responsible for the incremental increase in premiums for these slips. He has not heard back from Kate yet.
5. Issues for Discussion:

Single Site Plan:

The Board discussed the site plans that Alan Bohling sent along with the proposed easements that will be included in the Single Site Agreement between Seattle Marine Management Company (SMMC) and the Newport Yacht Basin Association (NYBA). Kyle proposed and the Board agreed that the Single Site Agreement should have four parts:

1. Easements from SMMC to NYBA and easements from NYBA to SMMC
2. New construction plans for SMMC and NYBA
3. Maintenance and cost responsibilities defined
4. Operations plans - Water traffic, vehicular traffic and parking especially for peak days

Additional Board requirements that need to be included in the agreement:

1. SMMC needs to have cost and maintenance responsibilities for all areas in the marina where they will operate commercial equipment such as their fork lift bull.
2. Need to include language in the Agreement that future possession of property by adverse possession is prohibited.
3. Need to add easements south of E Dock (SMMC to NYBA and NYBA to SMMC) as this area will be first come first serve parking.

Questions that the Board has about the proposed plans and easements.

1. Assume all existing easements will be vacated and the new easements will take their place.
2. Kyle will confirm with Steve Kitz that the area that NYBA owns south of the D dock adverse possession is excluded from easement 2.
3. It was pointed out that some of the numbers were missing for the NYBA parking spots listed on SMMC plans.
4. Who pays for constructing and maintaining new intakes on NYBA property and within easements granted to NYBA need to be determined.

B Dock Bulkhead:

Stillwater Construction has the final drawings and will have a proposal for us to review in two weeks. Bill Rissel plans to also replace the piling @ the dolphin at this time.

Reserve Study:

The Board approved sending out the Reserve Study link to the Owners with cover letters explaining what is included in the Study.

Rules and Regulations:

The Board approved sending out the revised Rules and Regulations effective September 1, 2014 to the Owners. The R&R along with the cover letters for the Reserve Study will be emailed to Owners that we have authorization to receive information via email and mailed to the rest of the Owners.

Gate locks:

The Board discussed the issues with gate keys not always working that was submitted by Steve Lewis. Tom suggested we begin the process of replacing the gate locks with new locks that can use the same gate keys so that we would not have to reissue the gate keys. We can begin with the locks that have been having the most issues and do the replacements over several years. Each new lock is estimated to cost \$395. Steve will respond back to Steve Lewis.

Parking Passes

The Board discussed the suggestion submitted by Dave Jacobs to allow Owners to control and distribute the parking passes for their renters. It was agreed to keep having Tom control and distribute all parking passes. Steve will respond back to Dave Jacobs.

Cell Tower

The Board discussed the request from Josh Hawes to consider a lease to install a cell tower on our property. The Board needs more information before considering this request.

Continuation Meeting August 22, 2014:

The Board Meeting was reconvened @ 8:00 AM on August 22, 2014. We met in the conference room @ Seattle Boat. Alan Bohling joined the meeting with everyone listed above in attendance.

Discussion August 22, 2014:

Alan said that the City of Bellevue provided the template to use for the Single Site Permit. Kyle said that the Board thinks the Single Site Agreement needs to include four parts:

1. Easements from SMMC to NYBA and easements from NYBA to SMMC
2. New construction plans for SMMC and NYBA
3. Maintenance and cost responsibilities defined
4. Operations plans - Water traffic, vehicular traffic and parking especially for peak days

Additional Board requirements that need to be included in the Agreement are:

1. SMMC needs to have cost and maintenance responsibilities for all areas in the marina where they will operate commercial equipment such as their fork lift bull.
2. Need to include language in the Agreement that future possession of property by adverse possession is prohibited.

3. Need to add easements south of E Dock (SMMC to NYBA and NYBA to SMMC) as this area will be first come first serve parking.
4. All existing easements will be vacated and the new easements will take their place.

The Board and Alan discussed revised language pertaining to the maintenance and repair of storm drain system, landscaping, bulkheads and pavement which will be included as an attachment to the Agreement.

Bill said that the Water Traffic Mitigation Plan is close to being done. The next committee meeting will be on September 19. Kyle suggested this committee also take on the vehicular traffic and parking plan which needs to include provisions for parking on peak days. Both plans need to be submitted to and approved by the City of Bellevue prior issuance of the certificate of occupancy.

Sid will take the lead in behave of the Board to contact our attorney, Christine McKay to review the Single Sit Agreement and related documents.

Alan pointed out that the plans do not indicate replacing the fence along 40th Street. He asked if we wanted this fence to be replaced. Tom said that we need a fence in this location to discourage people using the public launch from coming onto the property and using the waste bins to discard their trash. A four foot high fence will be required.

Attachments:

1. Approved reconciliation Reports

Action Items:

1. The R&R along with the cover letters for the Reserve Study will be emailed to Owners that we have authorization to receive information via email and mailed to the rest of the Owners.
2. Kyle will confirm with Steve Kitz that the area that NYBA owns south of the D dock adverse possession is excluded from easement 2.
3. Steve will respond back to Steve Lewis that we will begin the process of replacing the gate locks over time.
4. Steve will respond back to Dave Jacobs that we will continue to have Tom control and distribute parking passes. Kyle and Alan will make revisions to the Single Site Permit and related documents based on this meeting.
5. Sid will take the lead in behave of the Board to contact our attorney, Christine McKay to review the Single Sit Agreement and related documents.

