



PORT OF KENNEWICK REGULAR COMMISSION MEETING

MARCH 9, 2021 MINUTES

Commission Meeting recordings, with agenda items linked to corresponding audio, can be found on the Port's website at: <https://www.portofkennewick.org/commission-meetings-audio/>

Commission President Commissioner Don Barnes called the Regular Commission Meeting to order at 2:00 p.m. via GoToMeeting Teleconference.

ANNOUNCEMENTS AND ROLL CALL

The following were present:

Board Members: Commissioner Don Barnes, President (via telephone)
Skip Novakovich, Vice-President (via telephone)
Thomas Moak, Secretary (via telephone)

Staff Members: Tim Arntzen, Chief Executive Officer (via telephone)
Tana Bader Inglima, Deputy Chief Executive Officer (via telephone)
Amber Hanchette, Director of Real Estate and Operations (via telephone)
Nick Kooiker, Chief Finance Officer (via telephone)
Larry Peterson, Director of Planning and Development (via telephone)
Lisa Schumacher, Special Projects Coordinator
Bridgette Scott, Executive Assistant (via telephone)
Lucinda Luke, Port Counsel (via telephone)

PLEDGE OF ALLEGIANCE

Commissioner Moak led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Commissioner Novakovich stated the following into the record:

MOTION: *Commissioner Novakovich moved to amend something previously adopted by adding the following wording to the end of the second paragraph of Agenda item D of the February 9, 2021 meeting minutes: Total costs: \$399,000; • Investigation approximate cost: \$60,000; • Appeal approximate cost: \$180,000; • Public Records Request approximate cost: \$159,000.*

Commissioner Novakovich made the motion because at the February 23, 2021 Commission Meeting, Commissioner Don Barnes moved, and Commissioner Tom Moak seconded a Motion to have this language removed from the February 9, 2021 Commission Meeting minutes. Both Commissioners Barnes and Moak voted in favor of this Motion. Commissioner Novakovich voted against this Motion.

The language removed had been transcribed directly from a presentation given and Commissioner discussion at the February 9, 2021 Commission Meeting. This language was included in the draft Minutes that had been previously distributed and were already public record.

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Commissioner Novakovich could not approve of the action of Commissioners Barnes and Moak to remove this language nor could Commissioner Novakovich approve the Amended Minutes with the language extracted. Commissioner Novakovich did not believe this action provided the complete transparency we had promised to the public and the action appeared to be an attempt to hide factual information.

After this action was taken Commissioner Novakovich contacted the National Association of Parliamentarians who referred him to a Professional Registered Parliamentarian. A professional Registered Parliamentarian is the highest designation a Parliamentarian may be granted. Commissioner Novakovich quoted word for word from the opinion he received from this professional regarding Commissioner's Barnes and Moak's removal of language "it might not be too ethical, as indeed it looks like they are trying to hide something."

Since Commissioner Novakovich had just attained status as a Registered Parliamentarian, he was invited to be a guest at a meeting of a Parliamentary Law Unit on Saturday, February 27, 2021. In attendance were several Professional Registered Parliamentarians, as well as the Secretary of the Washington State Association of Parliamentarians, and the Secretary of the National Association of Parliamentarians.

During the "Educational" portion of the meeting, Commissioner Novakovich was asked to present his concern regarding the removal of language from the February 9, 2021 Minutes for the consideration of these professionals. After discussion by the Parliamentary Law Unit, the National Association of Parliamentarians secretary strongly recommended that Commissioner Novakovich move to Amend something previously adopted to have the language added back to the Minutes of the February 9th Commission Meeting. Members of this Parliamentary Law Unit also expressed concern whether Commissioners Barnes and Moak may have violated the Open Public Meetings Act since Commissioner Barnes tried to Call for the Vote with no discussion and Commissioner Moak made no comment regarding removal of the language.

Those at this meeting felt Commissioners Barnes and Moak would not support the Motion Commissioner Novakovich made but assured him that because his Motion was a Main Motion, it would be required to be a permanent part of the Minutes of today's Meeting Minutes. They not only highly recommended Commissioner Novakovich make the Motion but also agreed with the reasoning for the Motion stated by the Professional Registered Parliamentarian's opinion and again Commissioner Novakovich stated word for word "so people would at least be aware that they might be trying to conceal something."

Commissioner Novakovich does not expect a second to his Motion attempting to have this Commission provide complete transparency to the public. But Commissioner Novakovich does want to go on record for the public to know that personally, this Commissioner not only speaks of providing complete transparency to the public but works to deliver on his word. Thank you.

Motion Dies for lack of second.

Commissioner Barnes tried to state that Commissioner Novakovich was Out of Order because the Motion and discussion was under Approval of the Agenda. Commissioner Barnes stated, for the record, Commissioner Novakovich failed to yield the microphone and was Out of Order and continued on with his statements. Rather

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than make an issue of it, Commissioner Barnes allowed Commissioner Novakovich to finish his comments.

MOTION: *Commissioner Moak moved to approve the Agenda; Commissioner Barnes seconded. With no further discussion, motion carried unanimously. All in favor 3:0.*

PUBLIC COMMENT

Ken Hohenberg, 3900 South Green Street, Kennewick. Mr. Hohenberg has had the opportunity to get to know all three Commissioners over the last number of years and even prior to their serving on the Commission. Mr. Hohenberg believes in his heart that all three Commissioners want to do the right thing, but he is concerned with spirited discussions at times, where it is not healthy for the Port of Kennewick, it is not healthy for individual Commissioner's health, and certainly not healthy for the constituents that end up being the people that pay the taxes. Mr. Hohenberg believes in people being professional and standing up for what they believe in, but at the same token, he asked the Commission to stay focused on what is important, and that really is to do great things within the Port district.

No further comments were made.

CONSENT AGENDA

- A. ***Approval of Direct Deposit and E-Payments Dated February 26, 2021***
Direct Deposit and E-Payments totaling \$124,508.70
- B. ***Approval of Warrant Register Dated March 9, 2021***
Expense Fund Voucher Number 102742 through 102778 for a grand total of \$91,779.16
- C. ***Approval of Regular Commission Meeting Minutes February 23, 2021***

MOTION: *Commissioner Novakovich moved to approve the Consent Agenda with as presented; Commissioner Moak seconded. With no further discussion, motion carried unanimously. All in favor 3:0.*

EMERGENCY DELEGATION UPDATE

Mr. Arntzen and Ms. Hanchette have nothing to report currently regarding the Emergency Delegation.

PRESENTATION

- A. ***Accounting Department Review***
Mr. Kooiker provided an update to the Commission regarding the accounting department and the projects they are working on.

REPORTS, COMMENTS AND DISCUSSION ITEMS

- A. ***Build Back Better Projects***
Mr. Arntzen stated the Commission came to a consensus at the March 4th Special Commission Meeting to submit three projects for the Build Back Better (BBB) program for federal funding:
 - Electrical Vehicle Charging stations at Columbia Gardens and Vista Field;
 - The Willows infrastructure;
 - J. Lieb Building purchase and rehabilitation.

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Mr. Arntzen spoke with City of Kennewick City Manager Marie Mosely regarding Port and City BBB projects. Mr. Arntzen stated the City is strictly pursuing infrastructure projects and the Port would not be overstepping if we were to pursue the J. Lieb project. Mr. Arntzen stated Port staff has been working on the BBB projects diligently.

Ms. Bader Inglima and Mr. Peterson spoke with Raquel Crowley from Senator Patty Murray's office and shared the Port's three projects. Ms. Crowley indicated that Senator Murray's office is gathering a project list as a "needs" assessment for the region. They are looking for two items: shovel ready projects that need funding now and a list of potential projects we could complete if we had enough funding. Some of the Senator's priorities are workforce, economic opportunities, empowering communities that have been marginalized, how the development would impact climate change, the environment, social justice including marginalized communities and transitioning families out of poverty.

Ms. Crowley indicated that the Electrical Vehicle Charging stations was a good project and would be considered low hanging fruit because of the cost of the project. Ms. Crowley was very excited about The Willows road and utility infrastructure because there is a significant need for housing in our region. Ms. Crowley suggested the Port work with Lona Hammer, executive director of the Kennewick Housing Authority, as she is well-versed in regional housing needs and accommodating families. Additionally, Senator Murray's office identified the need for veteran's housing and suggested the Port contact the Columbia Basin Veterans Coalition and the Blue Mountain Action Council to strengthen the application. Ms. Crowley was very enthusiastic about the J. Lieb project and felt it could be a transformative project to help build the community back after the pandemic.

Commissioner Moak credited staff for proposing the J. Lieb project, knowing that we are very busy with a variety of projects and knowing that it would take the most time. Commissioner Moak found it very helpful to hear the feedback from the senator's office.

Commissioner Barnes inquired if staff had a recommendation regarding the ranking.

Ms. Bader Inglima stated Senator Murray's office process will be to conduct a needs assessment for the region, appropriation time, and project earmarks. Ms. Crowley suggested the Port consider ranking the projects as follows: 1-The Willows Infrastructure, 2-The J. Lieb Project, 3-Electrical Vehicle Charging stations. Ms. Bader Inglima asked for Commission feedback regarding the rankings.

Commissioner Moak believes the Port should follow the ranking suggested by Senator Murray's office.

Commissioner Barnes concurs with Commissioner Moak.

Commissioner Novakovich cannot support The Willows infrastructure because the public envisioned a different kind of development on Kennewick Waterfront, not low-income housing.

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Further discussion ensued between the Commission and staff regarding The Willows infrastructure and specific housing within the development.

After much discussion regarding The Willows, the Commission came to a consensus regarding the BBB ranking as follows:

1. The Willows Infrastructure appropriations request and any partner involvement would be consistent with the parameters of the draft Kennewick Waterfront Master Plan which calls for an “urban mixed use” development to include commercial and residential investments that include both a variety of types and income levels for housing. Port staff are directed to contact Lona Hammer of the Kennewick Housing Authority regarding regional housing needs and to request their involvement as a partner in the port’s Build Back Better infrastructure proposal for The Willows; with consideration also given to discussions with the Columbia Veterans Coalition and Blue Mountain Action Council;
2. J. Lieb building purchase and remodel;
3. Electrical Vehicle Charging Stations on Columbia Drive and at Vista Field.

Mr. Arntzen stated staff will move forward and use our best efforts in submitting the application.

Commissioner Moak would prefer staff reach out to our partners before submitting the application.

Commissioner Novakovich stated there has been significant discussion and believes Mr. Arntzen and staff captured the Commission comment and trusts staff to move forward and complete the application.

Commissioner Moak believes Mr. Arntzen has accurately addressed this and staff needs to move forward.

B. Vista Field

Mr. Peterson has been working on the BBB submission and intends to bring Vista Field marketing graphics to the Commission at a future Meeting. Mr. Peterson and Ms. Hanchette had a meaningful conversation with Ms. Plater-Zyberk regarding the Commission comments from the December 11, 2020 Special Meeting for the Vista Field building/design criteria.

C. Kennewick’s Historic Waterfront

Mr. Peterson stated Makers submitted the draft Kennewick Waterfront Master Plan for staff review, which is anticipated to take approximately three weeks. Mr. Peterson stated the Master Plan prepared by Makers identifies a mix of housing styles but does not specifically address a suggested mix of income ranges or unit types or sizes.

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D. Approval of 2021/22 CEO Goal #10 Governance Audit

Mr. Kooiker presented Resolution 2021-03, which adds the Governance Audit as Goal #10 to the CEO's 2021/22 Goals for Commission consideration.

PUBLIC COMMENT

No comments were made.

MOTION: *Commissioner Novakovich moved to approve the Resolution 2021-03 authorizing the addition of Goal #10 "Governance Audit" to the CEO's 2021/22 Goals and Objectives; Commissioner Moak seconded.*

Discussion:

MOTION: *Commissioner Barnes moved to amend Exhibit A, Goal #10 Governance Audit, which states "considered complete when presented to the Commission" to "considered complete when accepted by the Commission;" Commissioner Novakovich seconded the amendment.*

Mr. Arntzen stated previously, a goal was considered complete when the item is presented to the Commission as Mr. Arntzen can only control if the project is presented, not if the Commission accepts the goal.

Commissioner Novakovich stated Mr. Arntzen is correct and withdrew his support of the amendment.

Commissioner Moak stated it would be up to the Commission to determine if the CEO did not do a good job presenting the report and the Commission would deal with that in a separate way. This allows the CEO to present the report to the Commission and allows the Commission to move forward.

Amendment dies for lack of second.

With no further discussion, motion carried unanimously. All in favor 3:0.

E. Governance Audit

Mr. Arntzen stated staff has been working on the BBB plan and he has not made as much progress on the Scope of Work Consultant review for the Governance Audit as he had anticipated. Mr. Arntzen estimated that he is 95% done and believes he will have the consultant section by the March 23, 2021 Commission Meeting.

F. Washington State House Bill 1410

Mr. Kooiker recently received an email from Ken Spencer, Benton County Treasurer, requesting support against House Bill (HB) 1410 regarding tax collection. The proposed bill seeks to reduce penalties and interest on late taxes to 9% a year. Benton County is requesting support from all special districts.

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Commissioner Moak inquired if Washington Public Ports Association (WPPA) has a position on HB 1410. Commissioner Moak does not believe the Port should get involved.

Commissioner Novakovich attended the WPPA Legislative Committee and HB 1410 was not discussed; however, the Bill may have already died if it did not pass committee.

Mr. Kooiker stated the Port budgets conservatively, so the impact would be very minimal to the Port if the Bill passed.

G. *Commissioner Meetings (formal and informal meetings with groups or individuals)*
Commissioners reported on their respective committee meetings.

H. *Non-Scheduled Items*

Ms. Hanchette stated staff has been setting up ecology blocks and boulders in Vista Field to control phase 1 vehicle traffic patterns. The operations team has been prepping the land for marketing and working on vegetation management.

Mr. Arntzen visits Vista Field frequently and expressed his appreciation for the work of Ms. Hanchette and her team: Mr. Boehnke, Mr. Melia, and Mr. Eleshio. With the assistance of some part time labor, the operations teams have done an amazing job on the site.

Commissioner Moak recently drove by Spaulding and inquired if the Bylaws for the Owners Association had been completed.

Ms. Luke stated the Bylaws were put aside over the past year; however, she has been working on the draft documents necessary to transfer those responsibilities to the Owners Association and anticipates presenting the documents to the Commission later this year.

Commissioner Moak noticed that the old Port logo was on the Spaulding sign and stated the Port never adopted the new logo and inquired if there was any plan to remove the old logo and adopt and use the new logo or continue using the new logo by attrition.

Mr. Arntzen does not recall addressing adopting the new logo in the Work Plan. Mr. Arntzen would like to discuss with staff and report back at a future meeting.

Commissioner Novakovich stated HB 1189 Tax Increment Financing (TIF) Bill passed off the floor of the House and was sent to the Senate.

Commissioner Barnes informed the Port that through his attorney, he submitted a letter to the Port of Kennewick, requesting reimbursement for the legal fees that he incurred during the anonymous citizen complaint process and requested that an item for that be added to the Agenda.

PUBLIC COMMENTS

No comments were made.

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COMMISSION COMMENTS

No comments were made.

ADJOURNMENT

With no further business to bring before the Board; the meeting was adjourned 4:28 p.m.

APPROVED:

PORT of KENNEWICK BOARD of COMMISSIONERS

DocuSigned by:
DN Barnes
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Don Barnes, President

DocuSigned by:
Skip Novakovich
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Skip Novakovich, Vice President

DocuSigned by:
Thomas Moak
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Thomas Moak, Secretary

The March 9, 2021 Commission Meeting Minutes were Approved by the Port of Kennewick Commissioners on March 23, 2021 at the Regular Commission Business Meeting and signed with an Electronic Signature Per Resolution 2021-01, Adoption of Electronic & Digital Signature at the Port of Kennewick.

**PORT OF KENNEWICK
Resolution No. 2021-03**

**A RESOLUTION OF THE PORT OF KENNEWICK
BOARD OF COMMISSIONERS REVISING THE
CEO'S 2021/22 GOALS AND OBJECTIVES**

WHEREAS, the Port of Kennewick Commission approved Resolution 2020-28 on November 10th, 2020, approving the CEO's 2021/22 Goals and Objectives; and

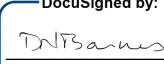
WHEREAS, the Commission desires to include a Governance Audit as part of the CEO's 2021/22 Goals as Objective #10; and

WHEREAS, the Commission deems the Governance Audit as top priority related to the CEO's 2021/22 Goals and Objectives.

NOW, THEREFORE, BE IT HEREBY RESOLVED the Board of Commissioners of the Port of Kennewick hereby adds Goal #10 Governance Audit to the CEO's 2021/22 Goals and Objectives (EXHIBIT A).

ADOPTED by the Board of Commissioners of the Port of Kennewick this 9th day of March, 2021.

**PORT of KENNEWICK
BOARD of COMMISSIONERS**

By: 
DON BARNES, *President*

By: 
SKIP NOVAKOVICH, *Vice President*


By: 
THOMAS MOAK, *Secretary*

EXHIBIT A CEO 2021/22 Goals & Objectives (including update on 2019/20 ongoing goals)

DATE: March 9, 2021

GOAL & OBJECTIVE	TACTICAL STEPS	ACTION	STATUS (checkmark = Completed)	COMMENTS
2019/2020 Goals and Objectives Carryover				
Vista Field	2019/20 GOAL Completion of Phase 1A construction.	Considered complete when presented to Commission for substantial completion	95% Complete	Anticipate Commission acceptance before end of 2020.
Vista Field	2019/20 GOAL Sell one parcel or obtain one ground lease (does not include Arts Center Task Force).	Considered complete when presented to Commission.	25% complete	Unattainable until the Port has recorded lots to sell. Completion scheduled in Fall 2020. However, the Port has had substantial interest from developers.
Vista Field	2019/20 GOAL Present for Commission consideration of the Waterfront master plan.	Considered complete when presented to Commission.	30% complete	Estimated completion in Spring 2021.
2021/2022 Goals and Objectives				
Port Administration	2021/22 GOAL 1 Prepare "Back to Work" plan for Port staff in relation to the COVID-19 pandemic.	Considered complete when presented to Commission.		
Vista Field	2021/22 GOAL 2 Develop a Vista Hangar analysis to include lean renovation options (with RCCF partnership funds) and viability/potential for selling on a ground lease.	Considered complete when presented to Commission.		By consensus Commission approved this as a goal on 9/8/2020
Vista Field	2021/22 GOAL 3 Implement the Vista Field "Team Approach", including cost estimates and proposed plan forward for the Port.	Considered complete when presented to Commission.		
Kennewick Waterfront	2021/22 GOAL 4 Finalize execution agreements as necessary to commence construction of Clover Island 1135 shoreline rehabilitation project.	Considered complete when presented to Commission.		
Kennewick Waterfront	2021/22 GOAL 5 Implement the identified Duffy's Pond tenant-improvements and algae mitigation plan.	Considered complete when presented to Commission.		
Kennewick Waterfront	2021/22 GOAL 6 Prepare a report discussing the likelihood, feasibility of, and costs for Columbia Gardens Wine & Artisan Village wayfinding signage and the children's playground partnership project on the historic waterfront.	Considered complete when presented to Commission.		

Exhibit "A"

GOAL & OBJECTIVE		TACTICAL STEPS	ACTION	STATUS (checkmark = Completed)	COMMENTS
Districtwide	2021/22 GOAL 7	Prepare a report which evaluates maintenance facility needs and possible alternatives.	Considered complete when presented to Commission.		
Districtwide	2021/22 GOAL 8	Prepare a COVID-19 economic-impact outlook analysis, which obtains professional data, advice, and other indicators regarding potential economic and business impacts to the Port.	Considered complete when presented to Commission.		By consensus Commission approved this as a goal on 9/8/2020
Districtwide	2021/22 GOAL 9	Complete Laserfiche training and implementation of procedures related to documentation, filing, paperless review, digital signature, and internal document workflow processing.	Considered complete when presented to Commission.		
Port Administration	2021/22 GOAL 10	Complete Governance Audit as a top priority project as directed by the Commission on 2/9/2021	Considered complete when presented to Commission.		