



# REGULAR COMMISSION MEETING

PORT OF KENNEWICK

APRIL 10, 2012 MINUTES

## CALL TO ORDER

Commission President Skip Novakovich called the Commission meeting to order at 2:00 p.m. in the Port of Kennewick Commission Chambers located at 350 Clover Island Drive, Suite 200, Kennewick, Washington 99336.

## The following were present:

**Board Members:** Skip Novakovich, President  
Vice-President Position Currently Vacant  
Gene Wagner, Secretary

**Staff Members:** Tim Arntzen, Executive Director  
Tana Bader Inglima, Director of Governmental Relations & Marketing  
Larry Peterson, Director of Planning & Development  
Tammy Fine, Director of Finance/Auditor  
Teresa Hancock, Real Estate Analyst & Project Specialist  
Bridgette Scott, Executive Assistant  
Lucinda Luke, Port Counsel

## PLEDGE OF ALLEGIANCE

Ms. Danette Layne led the Pledge of Allegiance.

## PUBLIC COMMENT

No public comments were made.

## CONSENT AGENDA

The consent agenda consisted of the following:

- A. Approval of Direct Deposit and Warrants Dated March 30, 2012**  
Direct Deposit totaling \$26,802.84 and Expense Fund Voucher Numbers 32986 through 32990 totaling \$11,735.72; for a grand total of \$38,538.56.
- B. Approval of Warrant Registers Dated April 11, 2012**  
Expense Fund Voucher Numbers 32991 through 33023 totaling \$45,975.39.  
Construction Fund Voucher Numbers 3272 through 3273 totaling \$6,295.00.
- C. Approval of Executive Director Goals**
- D. Approval of Joint Resolution Re-Establishing the West Richland Economic Development Committee; Resolution 2012-13**
- E. Approval of 2012 Ad Hoc Committees; Resolution 2012-14**
- F. Historic Downtown Kennewick Partnership Liaison Member Appointment; Resolution 2012-15**
- G. Approval to Amend Resolution 2012-10 and Approve the Dedication of Piert Road Right-of-Way to Columbia Irrigation District and Benton County; and Acceptance of a Land Transfer from Benton County; Resolution 2012-16**



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**MOTION:** *Commissioner Wagner moved approval of the consent agenda; Commissioner Novakovich seconded. With no further discussion motion carried unanimously. All in favor 2:0.*

## NEW BUSINESS

### ***RCO Grant Clover Island North Shoreline; Resolution 2012-17***

Ms. Bader Inglima reported it is staff's intent to apply to the Recreation and Conservation Office (RCO) for an Aquatic Lands Enhancement grant to assist with habitat restoration, erosion control, and shoreline improvements on Clover Island's North Shoreline. However, RCO first requires all applicants to pass a resolution authorizing an RCO application. This resolution would fulfill that RCO requirement and would allow staff to apply for grant funding through the RCO for two Clover Island Shoreline Improvement Projects.

**MOTION:** *Commissioner Novakovich moved approval of Resolution 2020-17 authorizing submittal of application to the Recreation and Conservation Office (RCO) for the Clover Island North Shoreline Improvement Project grant, and authorizing the Port's Executive Director to execute all documents necessary for submittal of the grant application; Commissioner Wagner seconded. With no further discussion motion carried unanimously. All in favor 2:0.*

## REPORTS COMMENTS AND DISCUSSION ITEMS

### ***A. Proposed Commissioner Policy Amendments***

Mr. Arntzen stated at least annually, he and Port Counsel review the policies already in place to ensure they are still effective and updated. Mr. Arntzen and Ms. Luke would like to address two issues: Commissioner's roles outside of meetings; and what requirements, if any, does the Port have on post commission contracting or employment. Currently, the Port does not have a policy regarding post commission contracting or employment. Mr. Arntzen stated that most state and federal agencies do have a regulation after someone retires or resigns that prohibits them from contracting with the agency for a period of time.

Ms. Luke has prepared a memo determining whether or not these are issues that should be addressed. At this point, this is just a discussion item, nothing has been formalized.

Mr. Novakovich shared a few paragraphs from the Commission Rules of Policy and Procedure that he feels is vital for commissioner candidates to be conscious of. Mr. Novakovich stated he, Mr. Wagner and staff, strongly believes in ethics, integrity and openness for the benefit of the public, and that we take our responsibilities and judiciary responsibilities very seriously.

Mr. Novakovich likes the adopted ethics policy and also likes the new proposals for policy amendments in light of public scrutiny, and would be supportive of the proposed changes.

Mr. Wagner feels the same way on ethics; as commissioners they want staff to have tools to work with and to have ethics reflected in all that is done on behalf of the port. That ethics aren't an after-thought; the goal is to continually operate as open, honest, and ethical. He is in favor of having the port's counsel and executive director write something up for Commission to review and vote on.



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Lucinda will provide drafts for Commissioners to review; she has done some research on best practices and will draft something to meet or exceed best practices that will take the current ethics policy one step higher.

## **B. *Vista Field Update***

Mr. Arntzen received an email from Mr. Shannon requesting an additional meeting. After discussing the matter with Ms. Luke, they felt the better response would be a letter reminding him that the ball is in his court and ask him again to put his comments/questions in writing. Once the information is received it will be possible for a good exchange.

Mr. Novakovich inquired how long it has been since Mr. Shannon gave a presentation to the Commission; staff believes it was November 2011. Mr. Novakovich agrees that a demand letter should be sent. Mr. Wagner agreed and suggests a 15-day response deadline. Ms. Luke will draft the letter.

## **C. *National Preservation Conference***

Ms. Scott investigated the National Preservation Conference to determine if it would be beneficial for Port staff to attend the conference.

The National Trust for Historic Preservation is an organization that focuses on many aspects of historic preservation. The Trust realizes that revitalizing historic hometowns and main streets generates jobs, leverages private investment, supports independent businesses, improves quality of life, and bolsters a community's sense of place.

The Trust holds an annual conference in various cities throughout the country. Last year it was held in Buffalo, New York. It has also been in Austin, Texas; Nashville, Tennessee and Tulsa, Oklahoma. This year it will be held in Spokane, October 31st through November 3rd. Although the conference focuses on preservation, there are many issues that could be applied to Port projects.

This year conference topics include: building sustainable communities; promoting diversity and place; and community revitalization. These topics coincide with the Port's plans for the Columbia Drive and Duffy's Pond areas.

Ms. Scott believes this conference may provide additional economic development tools and opportunities to the Port and that it would be beneficial to take advantage of the close proximity of the conference.

Mr. Novakovich stated he attended a National Preservation Conference in the past and feels it would be very beneficial to send staff to the conference. Ms. Scott will report on the registration and associated conference costs.

## **D. *Commissioner Meetings (formal and informal meetings with groups or individuals)***

Mr. Novakovich attended regularly scheduled meetings for the Port, gave a presentation at the Regional Chamber on Roberts Rules of Order and Parliamentary Procedure, attended a Non-Profit Insurance Program Conference in Spokane on their expense regarding multi-generational



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workforce, attended the West Richland Chamber luncheon, several Columbia Basin Veterans Coalition meetings, and is working with Vicky Carwein at WSU Tri-Cities on a special dinner for Major General Lowenberg, who will be the commencement speaker.

Mr. Wagner attended a TRIDEC Executive Board Meeting, the Tri-Cities Visitor and Convention Bureau (TCVCB) board meeting, and Benton Franklin Council of Governments Regional Transportation Planning Organization (RTPO) and Metropolitan Planning Organization (MPO) meetings. The RTPO is resubmitting their application to move from one organization for better access to funds and information. Mr. Wagner will attend the Benton Franklin Council of Governments Comprehensive Economic Development Strategy (CEDS) meeting as the alternate for Commissioner Novakovich.

## ***E. Non-Scheduled Items***

1. Ms. Bader Inglima gave a brief update on the Commission Application Process. Applications are due April 27, 2012 and will be posted on the website and delivered to the Commissioners on April 30, 2012. The public can submit comments to staff prior to the May 9, 2012 meeting or make comments at the Special Meeting on May 9, 2012. Ms. Bader Inglima stated a similar public comments process was vetted through the Vista Field matter and that public comments could be posted on the website. Public Comments will be received at the end of the meeting for the Commissioner's consideration prior to making a decision.

Mr. Arntzen is working with a media publicist to prepare ten questions for the interviews. The questions will be kept in a sealed envelope until presented at the Special Meeting on May 9, 2012. Mr. Arntzen suggests each Commissioner will select two questions and the same questions will be asked of each candidate.

Ms. Bader Inglima stated that the publicist has worked with other public agencies going through this process and suggested time restrictions be used for each question.

The candidates will be sequestered during the interviews. The Commission is comfortable with the process.

2. Mr. Peterson stated the PacLand Industrial land sale near Hedges completed one of the last requirements of the land sale. The Benton County Shoreline Hearing Board unanimously approved the shoreline permit for the facility, which is one of the last permits they need to obtain beyond the building permit. This is a great indication they are pursuing due diligence. Mr. Peterson still pursuing the water right application which converts the water right from agricultural to industrial use, which will make the site viable for them. The land sale is alive and well and working toward completion. The facility includes 85-100 jobs and 100,000 square feet in Phase 1, with a grand build out of 275-300 jobs and 300,000 square feet.
3. Mr. Arntzen was invited to meet with the Tri-City Herald Editorial Board to discuss various port projects.



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4. Mr. Arntzen stated the owners of San Juan Pools stopped in the office today. They have had severe financial difficulties, and the good news is they are seeing signs of improvement in their business. The company has been reconfigured since 2007 and they are hoping to grow. They are looking for new markets and had a successful visit to China.
5. Mr. Arntzen shared the following public comments he received recently:
  - a. Be concerned about scope creep in the Port. Each day you do a little more than what we are supposed to and six months later you find yourself off-task.
  - b. What is the policy for accepting public testimony for people who live outside of the port district?
  - c. Do we have rules related to what a former Commissioner can do with doing business with the institution?
  - d. Received a request for the amount of staff time allocated per project to make sure our resources somewhat relate to the usefulness of the property for the public.
6. Mr. Arntzen inquired if the Commission would like to revisit the Executive Director's Delegation of Authority. The Commission would like to review the document.

## PUBLIC COMMENTS

Mr. Mike White, 1118 W. 22<sup>nd</sup> Avenue, Kennewick. Mr. White commented he feels the current ethics policy already covers one of the two issues Mr. Arntzen and Ms. Luke wanted to add – Commissioners are not allowed to meet outside of a Board Meeting. He feels the Port may be addressing something that does not need to be addressed.

Mr. Brent Gerry, City of West Richland Councilman, 5401 Kalakaua Court, West Richland. On behalf of the City of West Richland, he invited applicants to meet with Mayor Noski, Ruth Swain and himself. Applicants may call the City of West Richland at 967-5902 or Mr. Gerry at 948-0512 to arrange an appointment.

Mr. Wagner stated Danette Layne contacted him and informed him that she would not be applying for the commission vacancy. Mr. Wagner thanked her for her interest.

No further public comments were made.



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## ADJOURNMENT

With no further business to bring before the Board; the meeting was adjourned at 3:00 p.m.

### ***APPROVED:***

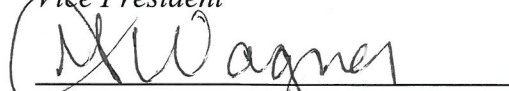
**PORT of KENNEWICK**

**BOARD of COMMISSIONERS**

  
Skip Novakovich, President

Position Currently Vacant

Vice President

  
Gene Wagner, Secretary

**PORT OF KENNEWICK RESOLUTION NO. 2012-13**

**CITY OF WEST RICHLAND RESOLUTION NO. 5-12**

**A JOINT RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF THE PORT OF KENNEWICK (Port) AND OF  
THE CITY COUNCIL OF THE CITY OF WEST RICHLAND (City)  
AUTHORIZING ECONOMIC DEVELOPMENT EFFORTS AND  
RE-ESTABLISHING A JOINT DEVELOPMENT COMMITTEE**

**WHEREAS**, the Port and the City have a long-standing partnering relationship resulting in numerous projects which have enhanced the economic vitality of our region; and

**WHEREAS**, on May 9, 2011 the Port and the City conducted a joint public meeting to discuss economic development efforts; and

**WHEREAS**, at the joint public meeting, the elected officials of each jurisdiction pledged to work collaboratively in order to identify, evaluate and implement partnership objectives in a timely and effective manner; and

**WHEREAS**, collaboration will best serve public interest through leveraging the unique resources of each jurisdiction; and

**WHEREAS**, one method of collaboration would be the formation of ad hoc committees to provide guidance and recommendations to each jurisdiction related to partnership objectives; and

**WHEREAS**, the Port of Kennewick approved Resolution 2011-15 and the City of West Richland approved Resolution 14-11 authorizing the formation of the ad hoc committee with said committee expiring on the first anniversary hereof, unless extended by each jurisdiction; and

**WHEREAS**, both jurisdictions view this as a priority partnership opportunity and agree to extend the term of the ad hoc committee to June 1, 2013 in order to complete unfinished business.

**NOW, THEREFORE; BE IT HEREBY RESOLVED** that the Board of Commissioners of the Port and the City Council hereby jointly approve this Resolution establishing the West Richland Economic Development Committee (WREDC) on the terms set forth below:

**Section 1. WREDC Members.** The following members are hereby appointed to, and shall comprise the WREDC:

Donna Noski, City Mayor  
Brent Gerry, City Councilmember  
Ruth Swain, City Economic Development Director

**PORT OF KENNEWICK RESOLUTION NO. 2012-13**  
**CITY OF WEST RICHLAND RESOLUTION NO. 5-12**  
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Skip Novakovich, Port Commissioner  
Tim Arntzen, Port Executive Director  
Larry Peterson, Port Director of Planning and Development

Section 2. Terms. The term of the ad hoc committee shall be extended to June 1, 2013, unless extended by each jurisdiction for any reasonable duration in order to complete unfinished business.

Section 3. Responsibilities. The WREDC is authorized to discuss collaborative development strategies and efforts.

**ADOPTED** by the Board of Commissioners of the Port of Kennewick this 10th day of April, 2012.

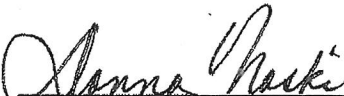
**PORT OF KENNEWICK  
BOARD OF COMMISSIONERS**


  
\_\_\_\_\_  
SKIP NOVAKOVICH, President

  
\_\_\_\_\_  
GENE WAGNER, Secretary

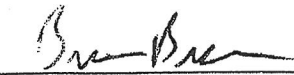
**PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND,  
WASHINGTON, this 3<sup>rd</sup> day of April, 2012.**

Attest:

  
\_\_\_\_\_  
DONNA NOSKI, Mayor

  
\_\_\_\_\_  
Julie Richardson, City Clerk

Approved as to Form:

  
\_\_\_\_\_  
Bronson Brown, City Attorney

PORT OF KENNEWICK

RESOLUTION NO. 2012-14

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE  
PORT OF KENNEWICK AUTHORIZING 2012 AD HOC COMMITTEES**

**WHEREAS**, the Port Commission adopted the Commission Rules of Policy and Procedure on February 28, 2011; and

**WHEREAS**, the policy provides an in-depth description of the Commission's purpose, authority and responsibilities; and

**WHEREAS**, the policy authorizes the formation of ad hoc committees; and

**WHEREAS**, each year the ad hoc advisory and standing committees shall be established, with the Commission President reviewing each ad hoc committee to determine whether they are still required.

**NOW, THEREFORE; BE IT HEREBY RESOLVED** that the Commission President has reviewed and determined the following committees are necessary:

1. Vista Field Advisory Board
2. Vista Field Design Review Committee
3. Kennewick General Hospital/City of Kennewick/Port of Kennewick

**BE IT FURTHER RESOLVED** that the Board of Commissioners of the Port of Kennewick approve re-establishing the above referenced Ad Hoc Committees for 2012.

**ADOPTED** by the Board of Commissioners of the Port of Kennewick this 10th day of April, 2012.

**PORT OF KENNEWICK  
BOARD OF COMMISSIONERS**

  
SKIP NOVAKOVICH, President

Position Currently Vacant  
Vice President

  
GENE WAGNER, Secretary

PORT OF KENNEWICK

Resolution No. 2012-15

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT OF  
KENNEWICK RELATED TO HISTORIC DOWNTOWN KENNEWICK PARTNERSHIP (HDKP)**

**WHEREAS**, the Port of Kennewick presently participates in the Historic Downtown Kennewick Partnership (HDKP) as a dues-paying member; and

**WHEREAS**, recently the President of the HDKP board and its Executive Director have separately requested that the Port's Board of Commissioners appoint a Port staff member to the HDKP board; and

**WHEREAS**, the City of Kennewick has requested that the HDKP undergo several reforms and milestones; and

**WHEREAS**, HDKP has not been given adequate time to demonstrate accomplishment of the reforms and milestones; and

**WHEREAS**, the Port and City are negotiating joint goals and objectives which may include whether participation by the Port as a board member of the HDKP would be appropriate; under what circumstances; and at what time; and

**WHEREAS**, until the completion of the items identified above, it may be premature for the Commission to direct staff participation in the HDKP board.

**NOW, THEREFORE; BE IT HEREBY RESOLVED** that the Board of Commissioners of the Port of Kennewick hereby directs the Port's Executive Director to revisit an appointment to the HDKP board upon the completion of the following events:


- (a) the Port and City having fully negotiated and begin implementation of their joint goals and objectives; and
- (b) the HDKP having been given sufficient time to meet its reforms and milestones.

**ADOPTED** by the Board of Commissioners of the Port of Kennewick on the 10th day of April 2012.

**PORT OF KENNEWICK  
BOARD OF COMMISSIONERS**

  
SKIP NOVAKOVICH, President

Position Currently Vacant  
Vice President

  
GENE WAGNER, Secretary

**PORT OF KENNEWICK**

**Resolution No. 2012-16**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT OF KENNEWICK  
AMENDING RESOLUTION 2012-10 AND AUTHORIZING THE DEDICATION OF LAND  
TO COLUMBIA IRRIGATION DISTRICT AND BENTON COUNTY FOR  
PIERT ROAD RIGHT-OF-WAY**

**WHEREAS**, the Board of Commissioners of the Port of Kennewick approved Resolution 2012-10 donating land to Benton County for the Piert Road right-of-way and accepting the transfer of surplus Benton County property adjacent to the SR-397 railroad; and

**WHEREAS**, the Port was recently notified of the need to adjust the dedication of the land to include the Columbia Irrigation District.


**NOW, THEREFORE; BE IT HEREBY RESOLVED** that the Board of Commissioners of the Port of Kennewick hereby approves amending Resolution 2012-10 and authorizes the dedication of the land to include Columbia Irrigation District and further authorizes the Port's Executive Director to execute all documents necessary to donate the lands in question to Columbia Irrigation District and Benton County for right-of-way purposes.

**ADOPTED** by the Board of Commissioners of Port of Kennewick on the 10th day of April, 2012.

**PORT OF KENNEWICK  
BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
SKIP NOVAKOVICH, President

Position Currently Vacant  
Vice President

  
\_\_\_\_\_  
GENE WAGNER, Secretary

# PORT OF KENNEWICK

## Resolution No. 2012-17

***A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT OF KENNEWICK  
AUTHORIZING AN APPLICATION FOR FUNDING ASSISTANCE FOR AN AQUATIC LANDS  
ENHANCEMENT ACCOUNT (ALEA) PROJECT TO THE RECREATION AND CONSERVATION  
OFFICE (RCO) AS PROVIDED IN RCW 79.90.245 AND SUBSEQUENT LEGISLATIVE ACTION***

**WHEREAS**, our organization has approved a comprehensive plan that includes this project area; and

**WHEREAS**, under the provisions of ALEA, state funding assistance is requested to aid in financing the cost of facility development; and

**WHEREAS**, our organization considers it in the best public interest to complete the facility development project described in the application.

**NOW, THEREFORE, BE IT RESOLVED** that:

- *The Executive Director of the Port of Kennewick be authorized to make formal application to the Recreation and Conservation Office for funding assistance;*
- *Any fund assistance received be used for implementation of the project referenced above;*
- *Our organization hereby certifies that its share of project funding will be derived from the Port of Kennewick construction funds and/or any other grant funding Port Staff are able to leverage;*
- *We acknowledge that we are responsible for supporting all non-cash commitments to the sponsor share should they not materialize;*
- *We are aware that the grant, if approved, will be paid on a reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid and remitted to our vendors.*
- *We acknowledge that any property acquired or facility developed with financial aid from the Recreation and Conservation Funding Board (RCFB) must be placed in use for the funded purpose, and be retained in such use in perpetuity unless otherwise provided and agreed to by our organization and RCFB;*
- *This resolution becomes part of a formal application to the Recreation and Conservation Office; and*
- *We provided appropriate opportunity for public comment on this application.*

The resolution shall be effective immediately upon passage and signature by the Port of Kennewick Commissioners.

**ADOPTED** by the Board of Commissioners of Port of Kennewick this 10<sup>th</sup> day of April, 2012 located at Clover Island in Kennewick.

PORT OF KENNEWICK  
BOARD OF COMMISSIONERS

  
SKIP NOVAKOVICH, President

Position Currently Vacant  
Vice President

  
GENE WAGNER, Secretary