

***PORT OF KENNEWICK***

**Resolution No. 2017-28**

**A RESOLUTION OF APPRECIATION FROM THE PORT OF KENNEWICK  
BOARD OF COMMISSIONERS IN HONOR AND RECOGNITION OF  
CARL SAMPSON ATWAY CHIEF OF THE WALLA WALLA**

**WHEREAS**, Port of Kennewick recognizes that Chief Carl D. Sampson, Peo-Peo-Mox-Mox, Yellowbird, Atway Chief of the Walla Walla, influential leader, and elder tribal member of the Confederated Tribes of the Umatilla Indian Reservation has passed; and

**WHEREAS**, our hearts are saddened at the loss of our colleague and friend; and

**WHEREAS**, it is recognized that Chief Carl D. Sampson's early leadership helped establish Port of Kennewick's understanding and respect for the Confederated Tribes of the Umatilla Indian Reservation; and

**WHEREAS**, that relationship helped foster the Port's desire to partner with the Confederated Tribes of the Umatilla Indian Reservation; resulting in joint meetings and eventually a formal Memorandum of Understanding between the entities; and

**WHEREAS**, it is fitting and proper to recognize the Atway Chief for his service, involvement, invaluable insights, perspective, guidance, and friendship to the Port of Kennewick.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Board of Commissioners of the Port of Kennewick hereby recognizes the aforementioned contributions and leadership; acknowledges and honors that friendship; and extends its deepest condolences to the family of Atway Chief Carl D. Sampson.

**ADOPTED** by the Board of Commissioners of the Port of Kennewick on the 28th day of November, 2017.

**PORT OF KENNEWICK  
BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
SKIP NOVAKOVICH, President

By: \_\_\_\_\_  
THOMAS MOAK, Vice President

By: \_\_\_\_\_  
DON BARNES, Secretary



## AGENDA REPORT

**TO:** Port Commission

**FROM:** Larry Peterson, Director of Planning & Development

**MEETING DATE:** November 28, 2017

**AGENDA ITEM:** Resolution 2017-22; Accepting The Gathering Place and Boardwalk Project

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**I. REFERENCE(S):** Resolution #2017-22

**II. FISCAL IMPACT:** \$575,333.00, plus applicable tax

**III. DISCUSSION:**

The Port's 2015 Work Plan and 2015-2016 Biennial Budget include funds for a boardwalk and landscape project to showcase the CTUIR heritage artwork. The Commission passed Resolution 2016-32 on November 8, 2016 approving the contract with Big D's Construction of Tri-Cities, Inc.

Big D's Construction of Tri-Cities, Inc. has completed the construction The Gathering Place and Boardwalk and installation of the Northwest View Point.

It is appropriate for the Port to accept the construction as complete so that we may issue a public notice and start the clock on potential lien filings by subcontractors.

**IV. ACTION REQUESTED OF COMMISSION:**

***Motion:*** I move approval of Resolution 2017-22 accepting The Gathering Place and Boardwalk project as complete by Big D's Construction of Tri-Cities, Inc. and authorize the Chief Executive Officer to finalize the financial terms of the contract.

**PORT OF KENNEWICK**  
**Resolution No. 2017-22**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF THE PORT OF KENNEWICK ACCEPTING  
THE GATHERING PLACE AND BOARDWALK**

**WHEREAS**, Big D's Construction of Tri-Cities, Inc. provided notification that improvements for The Gathering Place and Boardwalk have been completed in accordance with the plans and specifications; and

**WHEREAS**, JF Engineering, PLLC and Port of Kennewick staff have inspected the work and certified that it has been completed in accordance with the plans and specifications.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Port of Kennewick hereby accepts the work of Big D's Construction of Tri-Cities, Inc. as being completed in accordance with the contract documents.

**BE IT FURTHER RESOLVED** that upon completion of all required documentation for the project, the Chief Executive Officer is authorized to proceed with the necessary requirements to finalize the project account.

**ADOPTED** by the Board of Commissioners of Port of Kennewick on the 28th day of November 2017.

**PORT OF KENNEWICK**  
**BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
SKIP NOVAKOVICH, *President*

By: \_\_\_\_\_  
THOMAS MOAK, *Vice President*

By: \_\_\_\_\_  
DON BARNES, *Secretary*

**PORT OF KENNEWICK**

**RESOLUTION No. 2017-23**

**A RESOLUTION OF THE PORT OF KENNEWICK BOARD OF COMMISSIONERS  
SUPPORTING THE U.S. ARMY CORPS OF ENGINEERS 1135 PROGRAM  
CONSTRUCTION PLAN FOR CLOVER ISLAND SHORELINE IMPROVEMENTS**

**WHEREAS**, the Port Commission desires to leverage Port funds with partners on additional Clover Island improvements; and to that end on July 22, 2014 the Port Commission authorized port staff to contract with the U S Army Corps of Engineers (USACE) on a Federal Cost Share Agreement for an 1135 Program Feasibility Analysis; and

**WHEREAS**, the USACE deemed the Clover Island's Ecosystem Restoration Project to have a Federal Determination of Significance; prepared a report of alternatives; completed public review and comment sessions; and identified their recommended plan (Alternative 1); and

**WHEREAS**, Port of Kennewick must indicate formal support before the USACE will begin detailed Design & Construction planning, including the pre-design survey work (Hydrology, bathymetry, and Geotech engineering).

**NOW, THEREFORE; BE IT HEREBY RESOLVED** that the Board of Commissioners of the Port of Kennewick do hereby indicate support for Alternative 1.

**BE IT FURTHER RESOLVED** that the Port of Kennewick Board of Commissioners does hereby authorize the Port's Chief Executive Officer to execute all documents necessary to implement the Federal Cost Share Agreement with the Department of Army for *Design and Construction* of the Clover Island Section 1135 Project; with the understanding that following evaluation of the pre-design survey data, should Alternative 1 be determined to not be in the best interest of the Port District, the Port's CEO will return the project to the Port Commission for further direction.

**ADOPTED** by the Board of Commissioners of the Port of Kennewick on the 28th day of November, 2017.

**PORT of KENNEWICK  
BOARD of COMMISSIONERS**

By: \_\_\_\_\_  
SKIP NOVAKOVICH, President

By: \_\_\_\_\_  
THOMAS MOAK, Vice President

By: \_\_\_\_\_  
DON BARNES, Secretary

## **PORT OF KENNEWICK**

### ***Resolution No. 2017-24***

#### **A RESOLUTION OF THE PORT OF KENNEWICK BOARD OF COMMISSIONERS AUTHORIZING APPLICATION FOR FUNDING ASSISTANCE FOR A LAND AND WATER CONSERVATION FUND (LWCF) PROGRAM FOR THE CLOVER ISLAND SHORELINE TO THE RECREATION AND CONSERVATION OFFICE (RCO)**

**WHEREAS**, the Port of Kennewick has approved a comprehensive plan that includes this project area; and

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

**WHEREAS**, the Port of Kennewick considers it in the public's best interest to complete the facility development project described in the application.

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

- *The Chief Executive Officer of the Port of Kennewick be authorized to make formal application to the Recreation and Conservation Office for funding assistance for public trail extension and enhancements;*
- *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's Clover Island shoreline land value, and federal 1135 grant funding from the US Army Corps of Engineers 1135 Program for Clover Island;*
- *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, and that the Recreation and Conservation Office will hold retainage until the project is deemed complete;*
- *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, RCFB, and the National Park Service;*
- *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 28<sup>th</sup> day of November, 2017 located at Clover Island in Kennewick.

PORT OF KENNEWICK  
BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
SKIP NOVAKOVICH, President

By: \_\_\_\_\_  
THOMAS MOAK, Vice President

By: \_\_\_\_\_  
DON BARNES, Secretary



## AGENDA REPORT

**TO:** Port Commission

**FROM:** Larry Peterson, Director of Planning & Development

**MEETING DATE:** November 28, 2017

**AGENDA ITEM:** Resolution 2017-25; Accepting Columbia Gardens Wine Village Phase #1 Project

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**I. REFERENCE(S):**  
Resolution #2017-25

**II. FISCAL IMPACT:**  
\$3,931,272.00, plus applicable tax

**III. DISCUSSION:**  
On September 26, 2016, the Port of Kennewick Commission approved Resolution 2016-22, entering into a contract with Banlin Construction LLC for Columbia Gardens Wine Village Phase #1 buildings on Columbia Drive.

Banlin Construction LLC has completed the construction of three new winery production facilities with tasting rooms totaling 13,220 square feet.

It is appropriate for the Port to accept the construction as substantially complete so that we may issue a public notice and start the clock on potential lien filings by subcontractors and ultimately move toward final acceptance of the entire project.

**IV. ACTION REQUESTED OF COMMISSION:**  
*Motion:* I move approval of Resolution 2017-25 accepting Columbia Gardens Wine Village Phase #1 project as substantially complete by Banlin Construction LLC and authorize the Chief Executive Officer to finalize the financial terms of the contract.

**PORT OF KENNEWICK**

**Resolution No. 2017-25**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF THE PORT OF KENNEWICK ACCEPTING THE  
COLUMBIA GARDENS WINE VILLAGE PHASE #1 PROJECT ON COLUMBIA DRIVE**

**WHEREAS**, Banlin Construction, LLC provided notification that the improvements to Columbia Gardens Wine Village Phase #1 Project on Columbia Drive, Kennewick has been substantially completed in accordance with the plans and specifications; and

**WHEREAS**, Terrence Thornhill Architect, Inc. P.S., the Port of Kennewick staff, and the City of Kennewick have inspected the work and certified that it has been substantially completed in accordance with the plans and specifications.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Port of Kennewick hereby accepts the work of Banlin Construction, LLC as being substantially completed in accordance with the contract documents.

**BE IT FURTHER RESOLVED** that upon completion of all required documentation for the project, the Chief Executive Officer is authorized to proceed with the necessary requirements to finalize the project account.

**ADOPTED** by the Board of Commissioners of Port of Kennewick on the 28th day of November 2017.

**PORT OF KENNEWICK  
BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
SKIP NOVAKOVICH, *President*

By: \_\_\_\_\_  
THOMAS MOAK, *Vice President*

By: \_\_\_\_\_  
DON BARNES, *Secretary*



# PORT OF KENNEWICK

## RESOLUTION No. 2017-26

### ***A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT OF KENNEWICK AUTHORIZING GRANT APPLICATIONS TO THE HANFORD AREA ECONOMIC INVESTMENT FUND (HAEIF).***

**WHEREAS**, the Hanford Area Economic Investment Fund (HAEIF) Committee is in the process of receiving Infrastructure Grant Applications; and

**WHEREAS**, the Port of Kennewick's Work Plan calls for infrastructure improvements to support both Columbia Drive and Vista Field Redevelopment; and

**WHEREAS**, the HAEIF grant program offers an opportunity to receive grant funding for infrastructure related to creating primary jobs that encourage new development and business expansion in targeted industry sectors that diversify the economy in Benton and Franklin Counties; and although no specific match is required, applications containing matching funds, particularly those in cash, that demonstrate significant public benefit, and serve as a catalyst for private capital investment and new job creation will receive preference; and

**WHEREAS**, submission of any grant application requires Commission approval by resolution.

**NOW, THEREFORE; BE IT RESOLVED** that the Port of Kennewick Board of Commissioners hereby authorizes Port staff to prepare and submit applications requesting \$500,000 each in infrastructure improvement grant funding from HAEIF in partnership with City of Kennewick for 1) Columbia Gardens Redevelopment and 2) realignment of Grandridge Boulevard at Vista Field.

**ADOPTED** by the Board of Commissioners of the Port of Kennewick this 28th day of November, 2017.

#### **PORT OF KENNEWICK BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
SKIP NOVAKOVICH, President

By: \_\_\_\_\_  
THOMAS MOAK, Vice President

By: \_\_\_\_\_  
DON BARNES, Secretary



**PORT of KENNEWICK  
2017 COMMISSION ORGANIZATION REPRESENTATION**

| NAME   | MEETING SCHEDULE                | MEETING TIME | MEETING PLACE   | CURRENT COMMISSIONER REPRESENTING POK           | COMMENTS   |
|--|---------------------------------|--------------|---|---|--|
| Benton-Franklin Council of Governments<br><b>Board of Directors</b>                                  | 3rd Friday                      | 11:30 AM     | El Chapala:<br>Columbia Drive                                 | Commissioner<br><b>Skip Novakovich</b>          | Alternate:<br>Commissioner Don Barnes  |
| Benton-Franklin Council of Governments<br><b>Policy Advisory Committee (PAC)</b>                     | Second Thursday                 | 7:00 AM      | Cousin's  | Commissioner<br><b>Skip Novakovich</b>          | Alternate:<br>Commissioner Thomas Moak   |
| Benton-Franklin Council of Governments<br><b>Local Good Roads &amp; Transportation Association</b>   | 3rd Wednesday every other month | 5:30 PM      | TBA   | Commissioner<br><b>Thomas Moak</b>              | Alternate:<br>Commissioner Don Barnes<br>Meets Feb, April, June, Aug, Oct,<br>Dec. Locations TBA                                 |
| Confederated Tribes of the Umatilla Indian Reservation (CTUIR)                                       | As Called                       |              |   | Commissioner<br><b>Skip Novakovich</b>          | Alternate:<br>Commissioner Thomas Moak   |
| Historic Downtown Kennewick Partnership  | 3rd Friday                      | 7:30 AM      | Downtown Kennewick<br>Business Center                         | Commissioner<br><b>Thomas Moak</b>              | Alternate:<br>Commissioner Don Barnes  |
| Tri-Cities Hispanic Chamber of Commerce  | 3rd Tuesday                     | 11:30 AM     | Pasco Red Lion  | Commissioner<br><b>Skip Novakovich</b>          | Alternate:<br>Commissioner Don Barnes  |
| Tri-City Regional Chamber<br><b>Board of Directors Meeting</b>                                       | 3rd Wednesday every other month | 7:00 AM      | Bechtel Board Room  | Commissioner<br><b>Don Barnes</b>               | Alternate:<br>Commissioner Thomas Moak   |
| Visit Tri-Cities<br>(formerly Tri-Cities Visitor & Convention Bureau)<br><b>(Full Board Meeting)</b> | 4th Wednesday                   | 7:30 AM      | Tri-Cities Business &<br>Visitor Center<br>Bechtel Board Room | Commissioner<br><b>Don Barnes</b>               | Alternate:<br>Commissioner Thomas Moak   |
| <b>TRIDEC Board of Directors Meeting</b>   | 4th Thursday                    | 4:00 PM      | Tri-Cities Business &<br>Visitor Center<br>Bechtel Board Room | Commissioner<br><b>Don Barnes</b>               | Alternate:<br>Commissioner Skip Novakovich   |
| <b>TRIDEC Executive Board Meeting</b>  | 2nd Thursday every other month  | 4:00 PM      | Tri-Cities Business &<br>Visitor Center<br>Bechtel Board Room | Commissioner<br>Don Barnes<br>Port of Kennewick | Tri-Ports Executive Board Rep<br>(Rotates Annually)<br>2015 - Port of Benton<br>2016 - Port of Pasco<br>2017 - Port of Kennewick |
| Trios Health, City of Kennewick and Port of Kennewick  | Quarterly Meetings              | 5:30 PM      | Trios Health's<br>Administration<br>Conference Room           | Commissioner<br><b>Thomas Moak</b>              | Alternate:<br>Commissioner Don Barnes<br>Jan, April, August & November   |
| West Richland Area Chamber of Commerce   | 1st Wednesday                   | Noon         | The Sandberg Event<br>Center                                  | Commissioner<br><b>Skip Novakovich</b>          | Alternate:<br>Commissioner Don Barnes  |
| West Richland Economic Development Committee   | As Called                       |              |   | Commissioner<br><b>Skip Novakovich</b>          | Alternate:<br>Commissioner Don Barnes  |



**PORT of KENNEWICK**  
**2017 COMMISSION ORGANIZATION REPRESENTATION**

| <b>NAME</b>                         | <b>MEETING SCHEDULE</b> | <b>MEETING TIME</b> | <b>MEETING PLACE</b> | <b>CURRENT COMMISSIONER REPRESENTING POK</b> | <b>COMMENTS</b>           |
|-------------------------------------|-------------------------|---------------------|----------------------|--|---------------------------|
| WPPA Board of Trustees              | As Called               |                     |                      | Commissioner<br><b>Skip Novakovich</b>       | Alternate:<br>Tim Arntzen |
| WPPA Economic Development Committee | As Called               |                     |                      | Commissioner<br><b>Thomas Moak</b>           | Alternate:<br>Tim Arntzen |
| WPPA Legislative Committee          | As Called               |                     |                      | Commissioner<br><b>Skip Novakovich</b>       | Alternate:<br>Tim Arntzen |
| WPPA Marina Committee               | As Called               |                     |                      | Commissioner<br><b>Don Barnes</b>            | Alternate:<br>Tim Arntzen |

***PORT OF KENNEWICK***

***Resolution No. 2017-27***

**A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF THE PORT OF KENNEWICK RELATED TO UPDATING THE  
EVALUATION PROCESS SET FORTH IN THE CEO'S EMPLOYMENT AGREEMENT**

**WHEREAS**, since 2006 the Port of Kennewick has had an employment agreement with its Chief Executive Officer (CEO); and

**WHEREAS**, the Commission desires to update the evaluation process set forth in the CEO's November 15, 2013 Employment Agreement; and

**WHEREAS**, adoption of the updated annual evaluation process does not establish a new or different salary for the CEO; and

**WHEREAS**, the update includes the following revisions:

Paragraph 6, "Evaluation", shall be amended to read:

- On or before December 15 of each year, the Employer shall provide Employee with a written performance review based on the CEO Evaluation Committee Process adopted by the Commission.
- The annual evaluation process will revert to the original Paragraph 6 language and use of the Exhibit D format such time as the Port Commission determines to discontinue using the CEO Evaluation Committee Process.

Paragraph 8.5, "Performance-Based Cause," shall be amended to read:

The Employer shall have the right to terminate Employee's employment if the Employee's performance, as measured in annual performance evaluations, consistently fails to meet the fundamental evaluation criteria as established in Paragraph 6. For the purpose of this Agreement the term "consistently" shall mean three (3) out of five (5) years performance reviews where the Employee's performance is deemed "unsatisfactory".

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Port of Kennewick Board of Commissioners hereby approves the revisions above to the CEO's November 15, 2013 Employment Agreement.

**ADOPTED** by the Board of Commissioners of Port of Kennewick on the 28th day of November, 2017.

***PORT OF KENNEWICK  
BOARD OF COMMISSIONERS***

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

\_\_\_\_\_  
THOMAS MOAK, Vice President

\_\_\_\_\_  
DON BARNES, Secretary

**PORT OF KENNEWICK**

**RESOLUTION No. 2017-29**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE  
PORT OF KENNEWICK AUTHORIZING AMENDMENT TO THE PURCHASE AND  
SALE AGREEMENT WITH ROCKING RIVER LLC**

**WHEREAS**, Rocking River, LLC (Purchaser), purchased approximately 37.43 acres of the area graphically depicted on “*Exhibit A*” at the Hedges Industrial Park, in Finley, Washington from the Port of Kennewick (Seller) in July 2016; and

**WHEREAS**, through the 2016 purchase and sale agreement Rocking River LLC agreed to stockpile 10,000 tons of aggregate or sand material within eighteen (18) months of deed recording and have instead made site improvements including installation of perimeter security fencing, road grading, drilled a well for drinking water, and initiated various County, State and Federal permitting processes.

**WHEREAS**, Port staff and the Port attorney have reviewed the proposed substitutions and find it demonstrates an equal or greater commitment to development of the property and is in the Port’s best interest to accept the site improvements in lieu of stockpiling; and

**NOW, THEREFORE; BE IT HEREBY RESOLVED** that the Board of Commissioners of the Port of Kennewick hereby authorizes the Port’s Chief Executive Officer to execute all documents and agreements on behalf of the Port to finalize the transaction as specified above with Rocking River LLC.

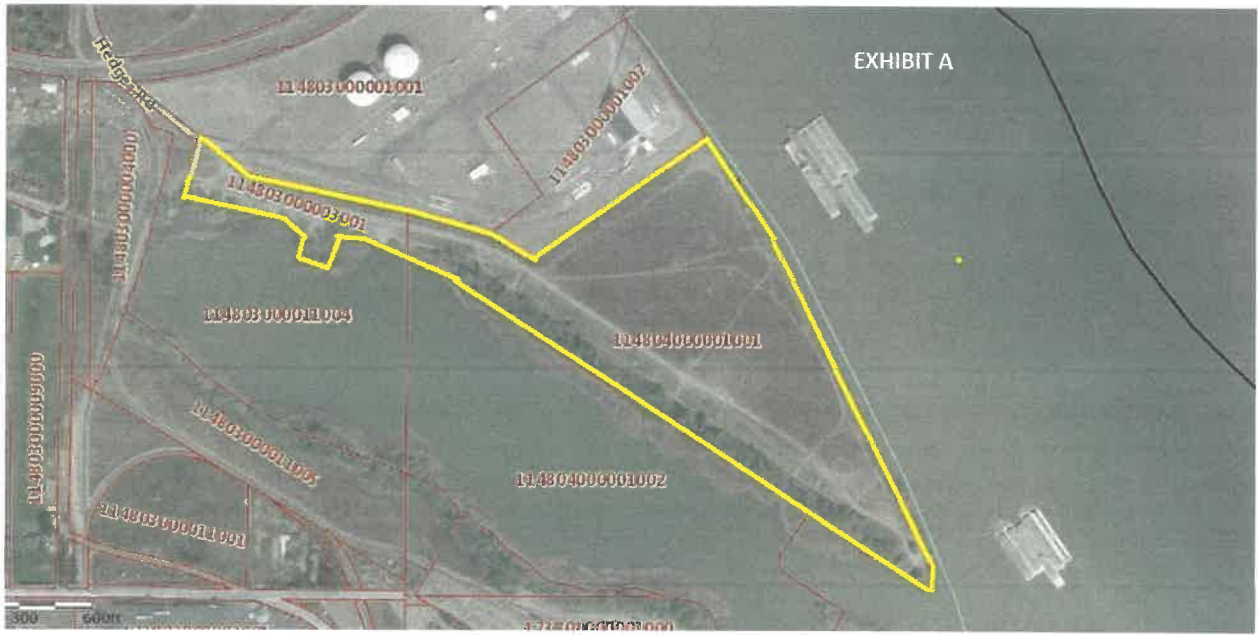
**ADOPTED** by the Board of Commissioners of the Port of Kennewick on the 28th day of November, 2017.

**PORT of KENNEWICK  
BOARD of COMMISSIONERS**

By: \_\_\_\_\_  
SKIP NOVAKOVICH, President

By: \_\_\_\_\_  
THOMAS MOAK, Vice President

By: \_\_\_\_\_  
DON BARNES, Secretary



**PORT OF KENNEWICK**

**RESOLUTION No. 2017-30**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT OF  
KENNEWICK AUTHORIZING A VARIANCE TO THE PROTECTIVE COVENANTS AND  
RESTRICTIONS WITHIN SPAULDING BUSINESS PARK FOR  
TRI-CITIES CHAPLAINCY**

**WHEREAS**, Tri-Cities Chaplaincy is the owner of real property within the Spaulding Business Park in Richland, Washington and has requested a variance to the protective covenants and restrictions *Exhibit "A"* (Resolution Nos. 2003-03, 2004-03, 2004-14) to allow a Hospice House (City of Richland Land Use: Nursing/Rest Home) to be constructed and operated on Tri-Cities Chaplaincy-owned property; and

**WHEREAS**, Port staff and the Port attorney have reviewed the proposed Variance to the Spaulding Business Park Protective Covenants and Restrictions and find it is in proper form and is in the Port's best interest; and

**NOW, THEREFORE; BE IT HEREBY RESOLVED** that the Board of Commissioners of the Port of Kennewick hereby authorizes the Port's Chief Executive Officer to execute all documents and agreements on behalf of the Port to complete the Variance as specified above.

**ADOPTED** by the Board of Commissioners of the Port of Kennewick on the 28th day of November, 2017.

**PORT of KENNEWICK  
BOARD of COMMISSIONERS**

By: \_\_\_\_\_  
SKIP NOVAKOVICH, President

By: \_\_\_\_\_  
THOMAS MOAK, Vice President

By: \_\_\_\_\_  
DON BARNES, Secretary