



PORT OF KENNEWICK REGULAR COMMISSION MEETING

MAY 25, 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 Barnes led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

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

PUBLIC COMMENT

Marie Mosley, 210 West 6th Avenue. Ms. Mosley, City of Kennewick City Manager thanked the Port for many years of working together in partnership to make our community a better place. Examples of this is the work that has been accomplished and is in process at Columbia Gardens, the Washington Street improvements, and the Clover Island shoreline enhancements. All of those contribute to the vision of connecting the waterfront to the downtown and the City is very appreciative of the partnership. The Port and City have also worked together on Vista Field improvements and many other partnerships throughout the community. Ms. Mosley is very appreciative to have such a visionary and forward-thinking partner as the Port. We have tremendous opportunities in the future to continue our effective partnership. As the Port is aware, there is federal funding that we are all applying, or in the process of applying for, through our federal legislatures. The City and the Port have worked together to include letters of support for our top priority projects. In addition to the federal dollars, the community will be receiving significant funding from the American Rescue Plan Act (ARPA), which we are currently

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reviewing regulations to understand the guidelines and restrictions associated with this funding. The City and Port continue to collaborate with our Rural County Capital Funds, as well as public-private development partnership opportunities. The City Council has discussed the importance of continuing to look for ways to leverage our taxpayer investment with other grant opportunities. Similarly, it is important to take a comprehensive approach as we implement a vision for Columbia Gardens, Vista Field, Clover Island, The Willows and other opportunities in our community. For instance, the City knows it is important to incorporate the residential component of our mixed-use development in these areas in order to help spur economic development and make the vision a reality. The Port has been talking to the Kennewick Housing Authority (KHA) about a potential project in The Willows, similarly, the City has been talking with the KHA about a potential project in the location of our 10th Avenue shops area, which may be a more suitable location for a partnership with the KHA. Ms. Mosley requested that the Commission allow the City and Port to work on a comprehensive approach to identify complementary projects that are not competing, and looking at both Kennewick and regionally, which is what the City is doing with the ARPA funding. The City and Port could engage the KHA, the Historic Downtown Kennewick Partnership, and those who have already made investments in these areas and potential private developers. Ms. Mosley believes there is an interest from private developers to invest in The Willows, Cable Greens, Columbia Gardens, and Vista Field. We would have great opportunities and it continues to be important that we are looking together to find the best projects for each of our entities to help implement the vision and compliment the work we have all successfully completed. Ms. Mosley asked the Commission to allow her and Mr. Arntzen to come up with a comprehensive approach, over the next 60 to 90 days, that incorporates the many ideas and visions that are already out there. Ms. Mosley believes we will be able to identify tremendous public-private partnerships that will meet the needs in a collaborative way.

Jeff Gordon, 531 Levy Road, Pasco. Mr. Gordon thanked the Port for investing in the wine industry in the Tri-Cities and stated it has been long overdue and believes it will be successful. Ms. Gordon would like to have highway directional signs installed so the public can get to Columbia Gardens. Mr. Gordon believes Columbia Gardens is not located on a well-traveled road and has discussed installing highway directional signs with the regional manager, who agreed to look at Highway 240 to see how we might be able to do that. The blue and white directional sign would direct the community and visitors to Columbia Gardens and costs approximately \$650-\$700 per year for maintenance. Mr. Gordon stated the department would have placards for each winery, tasting room, or restaurant and additional placards could be installed. Mr. Gordon would like to work with the Port to get these directional signs added.

Commissioner Barnes asked Mr. Arntzen to make note of Mr. Gordon's request.

Mr. Arntzen and Ms. Hanchette will work with Mr. Gordon on this project and report back.

Mr. Gordon would like to put a plan together that would work for the Port and other tenants at Columbia Gardens.

Julia Cunningham, 480 Cherry Blossom Loop, Richland. Ms. Cunningham would like to express her thanks to the Port for their ongoing efforts in and around Clover Island and Downtown Kennewick, which has seen a blossoming in revitalization under the Port's efforts. However, the proposed collaboration with the KHA does not seem to be in concert with her understanding of the Port's Master

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Plan and plans for development property that has been outlined in the Makers report. Ms. Cunningham would like to be sure that the focus remains on sustainability of development and those things we all profess to support as taxpayers and as users of the facilities and improvements that have been made to date.

Cal Coie, 705 South Oklahoma, Kennewick. Mr. Coie is concerned about the Port's plan for The Willows. Mr. Coie stated the Port spent many thousands of dollars with Markers, now and in the past, and he does not understand what the Port's plan is for The Willows. Mr. Coie liked Ms. Mosley's suggestion of the location of 10th Avenue and stated there are other areas in the community and Kennewick to have a facility like that. Mr. Coie stated the idea of having a family-oriented area, where kids can play and people can walk, does not believe it is conceivable to have that type of operation in The Willows.

Dennis Poland, 199864 East Game Farm Rd, Kennewick. Mr. Poland is concerned about Resolution 2021-09 regarding Pronghorn LLC/JMAC's request to forgive or change the requirements of their Purchase and Sale Agreement. Mr. Poland does not think the Commission should do away with the buyback clause because in 2017, Pronghorn promised to bring \$4,000,000 in revenue to the Tri-Cities and he believes they need to follow through. Mr. Poland stated this touches on the Vista Field issue and he thinks Pronghorn should not be allowed to get around the buyback clause. Mr. Poland believes it is a very touchy situation.

Ryan Smith, 2908 South Benton Place, Kennewick. Mr. Smith, Commodore of the Clover Island Yacht Club and resident of east Kennewick for the last 50 years, reiterated Mr. Coie's and Ms. Cunningham's comments regarding The Willows. The Clover Island Yacht Club is very interested in the downtown and Clover Island projects and has been following the Master Plan process. Mr. Smith hopes the Port can stick with the Master Plan and come up with something that will keep the island thriving. Mr. Smith stated a lot of people are not aware of this idea and he believes that the public needs to be made aware before it becomes something that happens. Mr. Smith thinks working with Ms. Mosely and the City is a good idea.

Amber Martin, 2105 North Steptoe Street, Kennewick. Ms. Martin expressed her concern with The Willows as well and thinks there are plenty of other places for a KHA partnership with the City other than close to the river, where we can have private properties instead of discounted. Ms. Martin urged the Commission to reconsider that location in partnership.

No further comments were made.

OLD BUSINESS

A. *Reimbursement of Legal Fees*

Mr. Kooiker stated Port Special Counsel Steve DiJulio of Foster Garvey is on the line to answer any questions the Commission may have regarding Resolution 2021-08. On May 11, 2021 Mr. Kooiker presented Resolution 2021-07 to the Commission for approval; however, the Resolution was not approved, and the Commission directed him to work with Mr. DiJulio regarding the approximately \$1,300 in redacted invoices. Mr. DiJulio reached out to Mr. Comfort on May 12, 2021 and issued a memo to Mr. Kooiker. Mr. DiJulio and Mr. Comfort reviewed the charges

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and came up with different amount based upon their review. Mr. Kooiker stated Mr. DiJulio prepared Resolution 2021-08 for Commission consideration.

Mr. DiJulio summarized each of his previous analysis of the invoices submitted by Commissioner Barnes and Mr. Comfort, and further evaluated the specific redacted invoices recently requested by Mr. Kooiker. Mr. DiJulio reviewed the redacted invoices with Mr. Comfort and based upon our review, some items were appropriate for deletion. The Commission initially approved an amount slightly higher at the April 13, 2021 Regular Commission Meeting and based upon the review of the redacted invoices with Mr. Comfort, Mr. DiJulio recommended the total amount of the reimbursement should be \$48,815.25. Mr. DiJulio inquired if the Commission had any questions regarding the motion or Resolution.

PUBLIC COMMENT

No comments were made.

MOTION: *Commissioner Moak moved to approve Resolution 2021-08, authorizing the reimbursement of legal fees to Don Barnes in the amount of \$48,815.25; that such Resolution supersede the prior legal fee reimbursement approved by the Board on April 13, 2021; that all action by Port officers and employees in furtherance hereof is ratified and approved; and further, that the Port Chief Executive Officer and CFO/Auditor are authorized to take all action necessary in furtherance hereof; Commissioner Barnes seconded.*

Discussion:

Commissioner Moak confirmed that Mr. DiJulio and Mr. Comfort agreed on the amount regarding the redacted invoices.

Commissioner Barnes stated that is correct.

Commissioner Moak stated it is important to move forward with this Resolution and resolve this issue once and for all. It has hung over this Port for over two years and has taken much too long to be resolved. Commissioner Moak stated we have come to a point where we can resolve this, and he thinks we should. It is time to move on and as Ms. Mosley stated earlier, there are a lot of things to be done, a lot of things we have to do and can do, and Commissioner Moak thinks that is what we need to focus on. One of the best ways to focus on it, is to get things out of the way that are keeping us from focusing on those projects.

Commissioner Novakovich asked if the Commission is comfortable taking this gamble, that the Port's record of 24 years of clean audits may well come to an end. If for no other reason, in reimbursing these fees, Port policy was not followed and perhaps precedence was set when Michael Love's fees were not paid when Commissioners Barnes and Moak voted not to pay them. Commissioner Novakovich believes we are discussing expenditures of public funds that the taxpayers of the Port of Kennewick have a right to know what they are paying for and he believes they have a right to see the complete unredacted invoices attached to the minutes and resolutions that clearly show other moneys being spent. Lastly, Commissioner Novakovich questions if Commissioner Barnes has an ethical and moral right to vote on this Agenda Item. Commissioner

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Novakovich asked this question at last Commission Meeting and did not receive an answer. Commissioner Novakovich pointed out that the Washington State Supreme Court at one time ruled “one cannot vote on his own matter.” Commissioner Novakovich stated he was making these comments for the record.

Commissioner Barnes stated some of the questions Commissioner Novakovich raised would have been more appropriately addressed in March of 2019, when an anonymous citizen complaint was authored by one Commissioner against the other two, the minority against the majority. Which resulted, in Commissioner Barnes view, a colossal waste of taxpayer funds. Commissioner Barnes had no other alternative than to defend himself against these accusations that were completely without basis or merit as determined by a judge. Commissioner Barnes is simply seeking to be made whole, to be reimbursed for the funds that he expended. He would also like to note that during this entire time, Commissioner Barnes has been acting within his duties and obligations and responsibilities as a Port of Kennewick Commissioner. Commissioner Barnes stated not once did he receive an outreach from anyone at the Port, including the Port’s legal counsel, asking if he needed any help or assistance defending himself in dealing with this. Commissioner Barnes would like to see this put to rest and stated he could vote to recuse himself; he could vote to step aside and then he would be happy to see everyone in Superior Court. Commissioner Barnes is sure that would result in much higher fees and much higher costs to the Port, and he is very confident that he would prevail; however, he does not think that would be in the best interest of the Port. Commissioner Barnes would like to try to and move forward and put this behind us. Commissioner Barnes stated despite Commissioner Novakovich’s objections, he will be voting as a Commissioner for the Port of Kennewick to reimburse these legal fees.

Commissioner Moak stated these fees have been agreed to by Special Counsel for the Port and are a result of Commissioner Barnes prevailing over the Port in the hearing related to this complaint. Everything that has been done is in accordance with legal counsel, despite the fact that one Commissioner believes he knows more about the law than legal counsel that has been employed as special counsel by the Port. Commissioner Moak stated there have been several different iterations over the last three meetings to rectify this. Commissioner Moak would rather do it right than right now and stated this is the right thing to do. It is very clear that the payment of legal fees for services rendered for prevailing against the Port in this matter is totally entitled by the law, we employed legal counsel to look at that, and learned legal counsel at that. Commissioner Moak believes we should pay attention to legal counsel rather than try to make our own law.

With no further discussion, motion carried. All in favor: 2 Ayes (Commissioners Moak and Barnes), 1 Abstain (Commissioner Novakovich). 2:0:1.

B. Kennewick Historic Waterfront District Master Plan Update

Mr. Peterson presented the draft Master Plan for the Kennewick Historic Waterfront District Master Plan (KHWD) and pointed out several policy related items for Commission discussions.

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Commissioner Novakovich offered his thoughts regarding the policy questions:

- It is essential for the Port to evaluate acquiring property around Columbia Gardens;
- Consider partnering with the Port of Pasco than competing;
- Continue to lease property rather than sell property on Clover Island.

Commissioner Moak offered his comments:

- Evaluate the pros and cons of acquiring each individual property;
- The Port should consider building on the NW corner of Clover Island;
- The intent of the Wine Village was to include an artisan market and does not believe the Port is looking to compete with the Port of Pasco and if the private sector believes there is a market for an artisan market in Kennewick, then the Port can move forward with the opportunity;
- Makers advised creating an interim use in Cable Greens and stated the Port needs to find the right interim use for the property;
- Continue building partnerships;
- Continue leasing property on Clover Island.

Commissioner Barnes offered his comments:

- Evaluate opportunities on a case-by-case basis;
- Does not believe parking in the NW corner of Clover Island is the highest and best use for the property;
- Port outlined intentions for Columbia Gardens early on and hopes the Port can be complementary to the Port of Pasco's development;
- Cable Greens interim use should be interim only and for a short period of time and complementary to Columbia Gardens;
- Continue leasing property on Clover Island.

Additional Commission discussion commenced regarding the Draft Master Plan.

Mr. Peterson stated if the Draft Master Plan is acceptable to the Commission, staff will post the document on the Port website for additional public comment. Additionally, Mr. Peterson will forward Commission comments to Makers for review and further Commission discussion at the June 8, 2021 Commission Meeting. Mr. Peterson outlined the schedule for the Draft Master Plan consideration.

CONSENT AGENDA – A

A. *Approval of Direct Deposit and E-Payments Dated May 18, 2021*

Direct Deposit and E-Payments totaling \$65,258.71

B. *Approval of Warrant Register Dated May 25, 2021*

Expense Fund Voucher Number 102925 through 102954 for a grand total of \$76,769.88

C. *Approval of Regular Commission Meeting Minutes May 11, 2021*

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

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CONSENT AGENDA – B

A. *Approval of Warrant Register Dated May 25, 2021*

Expense Fund Voucher Number 102955 for a grand total of \$48,815.25

MOTION: *Commissioner Moak moved to approve the Consent Agenda B; Commissioner Barnes seconded. With no further discussion, motion carried. All in favor: 2 Ayes (Commissioners Moak and Barnes), 1 Abstain (Commissioner Novakovich). 2:0:1.*

EMERGENCY DELEGATION UPDATE

Mr. Arntzen and Ms. Hanchette stated there is nothing to report for emergency delegation.

RECESS

Commissioner Barnes called for a recess at 3:24 p.m. for 5 minutes.

Commissioner Barnes reconvened the Regular Commission meeting at 3:30 p.m.

REPORTS, COMMENTS AND DISCUSSION ITEMS

A. *Senator Cantwell Appropriations Request*

Ms. Bader Inglima stated Senator Cantwell's office requested applications for appropriations for federal funding. Ms. Bader Inglima stated based on the previous Port submittals for federal funding, she inquired if the Commission would like the Port to submit applications for the Electrical Vehicle Charging Stations and The Willows Infrastructure. Additionally, the Port provided the City of Kennewick with a letter of support for their appropriations application for Senator Murray's office and requested a letter of support for Senator Cantwell's request. Ms. Bader Inglima inquired if the Commission would like staff to provide a letter of support for their application.

Commissioner Moak believes for consistency, the Port should submit applications for the Electrical Vehicle Charging Stations and The Willows Infrastructure.

Commissioner Novakovich believes the Port should submit an application for the Electrical Vehicle Charging stations. He expressed his concern regarding submitting an application in partnership with the KHA for The Willows infrastructure, based on the public comments today. Commission Novakovich believes the Commission should let Mr. Arntzen and Ms. Mosley have time to discuss potential projects and develop a plan.

Commissioner Barnes stated the Commission received comments from the public regarding the concerns of adding mixed income housing at The Willows. Commissioner Barnes inquired if this would be a good opportunity to submit an infrastructure request for The Willows that does not include a partnership with KHA.

Commissioner Novakovich would defer to Ms. Bader Inglima's recommendation on that proposal; however, he believes Commissioner Barnes suggestion is a move in right direction. It shows the City that the Port is a good partner, and we are willing to listen to their concerns and willing to see what we can come up in partnership.

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Commissioner Moak stated it does not make sense to have two separate proposals for the same project and believes it would make more sense to remove The Willows application altogether.

Ms. Bader Inglima is concerned with the appearance of inconsistency with the previous submitted applications; however, she is happy to submit the applications as the Commission directs. Ms. Bader Inglima stated the application does not guarantee funding and the Port was cautioned early on that the strength of the proposal was in the partnership.

Commissioners Moak and Barnes support submitting the same appropriations applications to Senator Cantwell's office that the Port submit previously to Senator Murray's office.

It is the Consensus of the Commission for the CEO to submit a letter of support for the City of Kennewick's appropriations request to Senator Cantwell's office.

B. Finley Twin Tracks (Pronghorn/JMAC) Property Update

Ms. Hanchette outlined the history of the Pronghorn LLC/JMAC 2017 Purchase and Sale Agreement (PSA) and stated Resolution 2019-08 authorized a 24-month extension on the obligation to construct. Ms. Hanchette stated Pronghorn saw some setbacks due to COVID-19; however, they are still interested in developing the property. Ms. Hanchette introduced Mike Johnson, a representative of Pronghorn LLC/JMAC.

Mr. Johnson stated the initial use for the property was a cement batch plant business; however, they were unable to get the materials (sand and aggregate) in order to move forward with the project. Mr. Johnson stated Ms. Hanchette offered up helpful suggestions and Pronghorn determined the site may be better suited for warehousing, which they have previously constructed in North Dakota, Texas, and New Mexico. Mr. Johnson stated the current Conditional Use Permit (CUP) states Pronghorn will install an asphalt facility and they have determined that they can move forward with that because there is a quarry across the freeway in Finley. Mr. Johnson stated Pronghorn is prepared to move forward with the asphalt project and once he asphalt plant is established, request an additional CUP to construct a warehouse facility to assist the asphalt plant, with the intention for future warehousing.

Ms. Hanchette stated the Port's deadline to repurchase the property is September 13, 2022.

Commissioner Barnes inquired if the property was appraised in 2017 and if it came with water rights.

Ms. Hanchette stated the property was appraised and sold at the appraised values since there had not been any industrial comps in the last 25 years. Ms. Hanchette stated the property has water rights to the permitted well only.

Commissioner Moak is not in favor of eliminating the buyback clause but he is in favor of allowing Pronghorn to develop the property as described by Mr. Johnson. Commissioner Moak inquired if the dates of the Resolution could be consistent with the extended development time and the right to repurchase.

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Ms. Hanchette would defer to Ms. Luke regarding the language in the Resolution.

Commissioner Novakovich agrees with Commissioner Moak's comments regarding the extension to construct and the Port's buyback date. Furthermore, Commissioner Novakovich disclosed that Mr. Poland contacted him and discussed this issue.

Ms. Luke stated the Port can extend the dates of the construction and the buyback clause. Ms. Luke stated if Pronghorn is going to alter their business model, the Port will need to amend section 10.1 of the PSA.

Additional Commission and staff discussion commenced regarding the Pronghorn extension to construct.

PUBLIC COMMENT

No comments were made.

It is the Consensus of the Commission to extend the obligation to construct and the Port's buyback date. A formal Resolution approving these changes will presented at the June 8, 2021 Regular Commission Meeting.

C. Interlocal Agreement with the City of Kennewick re: Washington Street

Mr. Kooiker has been working with Dan Legard, Finance Director for the City of Kennewick and Ms. Luke on the Washington Street Improvements Interlocal Agreement (ILA). The Commission approved the \$500,000 payment at the November 10, 2020 Budget Hearing. Mr. Kooiker stated the City Council approved the ILA last week and inquired if the Commission had any questions.

Ms. Mosley appreciated the Port's partnership and stated when the ILA was brought forward, our Council was appreciative. This is another example of working together and finding creative solutions to make our community a better place. The project on Washington Street is just beginning and Ms. Mosley believes once the project is completed, the community will see the connection of the waterfront to the downtown.

PUBLIC COMMENT

No comments were made.

MOTION: *Commissioner Novakovich moved to approve Resolution 2021-10, approving the Interlocal Agreement with the City of Kennewick for the Washington Street improvements and further moves that all action by Port officers and employees in furtherance hereof is ratified and approved; and further that the Port Chief Executive Officer is authorized to take all action and to pay all expenses necessary in furtherance hereof; Commissioner Moak seconded.*

Discussion:

Commissioner Novakovich pointed out some inconsistencies in the ILA:

- *First line states "when recorded return to" but Section 6a reads "recordation is not*

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required”;

- *First paragraph states “the City of Kennewick....(hereafter “Kennewick”) whereas Section 4a reads “North of Washington Street from Kennewick to Canal Drive”*

Commissioner Novakovich inquired if Kennewick should read Kennewick Avenue.

Mr. Kooiker inquired if the Port can revisit Commissioner Novakovich’s issues with the City. Generally, Ms. Scott records on behalf of the Port.

Ms. Luke stated the Port can move forward with the ILA and Mr. Kooiker is correct regarding recording and stated the Port has the option to record with the County. The Port could clarify Section 4A; however, the agreement itself specifies location and the parties are understanding the location. Ms. Luke stated it has been reviewed by the City and the terms seem to be sufficient for identifying location.

Commissioner Barnes understood that this document in this form has already been approved by the City of Kennewick City Council.

Ms. Luke stated that is correct.

Commissioner Novakovich does not have an argument; he is just expressing his concern that the Section 4a should read North of Washington Street from Kennewick Avenue to Canal Drive.

Commissioner Barnes stated Commissioner Novakovich’s points are clear and asked for a strong recommendation from legal counsel on how to proceed.

Ms. Luke recommended that the Commission should proceed with the form before them if they are going to vote to approve the ILA.

Commissioner Moak stated the City knows what it needs to do, and he does not have a problem with them moving ahead. This is a good project and Commissioner Moak sees the improvements to the area daily and believes it will be beneficial regardless of an error in the paperwork.

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

D. East Kennewick/Verbena Auction

Ms. Hanchette outlined the next steps for the auction for the properties on Oak Street, Third Avenue, and Verbena. Ms. Hanchette stated the Port will be discussing the opening bid price in Executive Session only. Ms. Hanchette stated Scott Musser, the auctioneer, recommended a starting bid price based on several factors.

Commission and staff discussion ensued regarding the details of the auction process.

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E. Governance Audit Update

Mr. Arntzen updated the Commission on the Governance Audit Update and stated Jim Darling has begun working on the project and reviewing Port policies. Mr. Arntzen indicated that Mr. Darling will be reaching out to individual Commissioners at a later date to discuss the process.

F. Commissioner Meetings (formal and informal meetings with groups or individuals)

Commissioners reported on their respective committee meetings.

G. Non-Scheduled Items

Ms. Bader Inglema reported that the U.S. Corps of Engineers (USACE) has officially gone out to bid for the 1135 Shoreline Restoration Project. For more information on the project bid, please go to the Port website at <https://www.portofkennewick.org/contracting/>

Mr. Arntzen is proud of Ms. Bader Inglema's diligence over the last 13 years in getting the 1135 project to the finish line.

Commissioner Moak stated Ms. Mosley provided a very good suggestion related to working with Mr. Arntzen on projects. When the Port and other jurisdictions were made aware of the Biden Build Back Better program and other federal appropriations requests, each jurisdiction had to compile projects and guess what was needed, within a limited time. Commissioner Moak thinks it is an excellent suggestion for Ms. Mosley and Mr. Arntzen to work together. Commissioner Moak finds it interesting the misconception people have regarding the KHA. The KHA did not know anything about The Willows project until the Port broached the subject. The KHA has not been following the Kennewick Waterfront and it is not something that was ever on their radar, nor is it their project. Commissioner Moak thinks it is a good idea for the Port and City to meet and discuss items such as affordable housing, economic development, and amenities to coordinate community projects.

Commissioner Novakovich complimented Ms. Bader Inglema for her work on the 1135 project coming to fruition. Furthermore, he thanked Ms. Mosely for her suggestion of working with Mr. Arntzen to discuss a better plan for affordable housing for the City of Kennewick.

Commissioner Barnes expressed his gratitude for finally winning approval of reimbursement for the legal fees he expended in defending himself against the claims that a judge found to be unsubstantiated in their entirety. Commissioner Barnes has a larger concern for the Port of Kennewick, because the same policies that were utilized to write this anonymous citizen complaint remain in place; the same individuals that wrote those complaints, the same individuals that processed those complaints, the same individuals that moved those through this long, arduous, challenging, two-year odyssey, that turned out to be, in his view, a waste of taxpayer money, now approaching \$500,000. All of these policies and these individuals are still in place with no change, so Commissioner Barnes questioned how any potential partner of the Port of Kennewick will view this, how do they expect to work with us going forward. There must be uncertainty about whether or not another incident like this could raise its ugly head and go forward. Commissioner Barnes has grave concerns for the Port of Kennewick and its leadership and thinks changes are in order.

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He is willing to work to make those changes, but he thinks there is a strategy to run out the clock because his term expires at the end of the year. Commissioner Barnes wanted to be on the record as saying that what happened with this anonymous citizen complaint was not right; what happened with this anonymous citizen complaint was not in the best interest of the taxpayers and the citizens and the voters of the Port of Kennewick, and he thinks there is change that is in order and he is willing to work to make that change, but he needs help.

PUBLIC COMMENTS

No comments were made.

Commissioner Barnes anticipates the Executive Session will last approximately 20 minutes, Real Estate, Minimum Price, per RCW 42.30.110(1)(c) with no action anticipated. Commissioner Barnes asked the public to notify Port staff if they will return after the executive session so staff can advise if the session concludes early.

Commissioner Barnes recessed the Regular Commission Meeting at 4:47 p.m. until 5:10 p.m.

Commissioner Barnes convened the meeting into Executive Session at 4:52 p.m. for approximately 20 minutes.

EXECUTIVE SESSION

A. Real Estate, Minimum Price per RCW 42.30.110(1)(c)

Commissioner Barnes adjourned the Executive Session at 4:58 p.m.

Commissioner Barnes reconvened Regular Commission Meeting at 5:01 p.m.

No action taken by the Commission.

COMMISSION COMMENTS

No comments were made.

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ADJOURNMENT

With no further business to bring before the Board; the meeting was adjourned 5:03 p.m.

APPROVED:

PORT of KENNEWICK BOARD of COMMISSIONERS

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DN Barnes
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Don Barnes, President

DocuSigned by:
Skip Novakovich
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Skip Novakovich, Vice President

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Thomas Moak
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Thomas Moak, Secretary