



REGULAR COMMISSION MEETING

PORT OF KENNEWICK

SEPTEMBER 27, 2011 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
David Hanson, Vice-President
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
Mike Boehnke, Facilities Manager
Bridgette Scott, Secretary/Special Projects
Lucinda J. Luke, Port Attorney

PLEDGE OF ALLEGIANCE

Gary Earp led the Pledge of Allegiance.

PUBLIC COMMENTS

Mr. Novakovich requested anyone wishing to address the Commission speak at the front of the room and state their name and address for the record.

Gary Hanson, 104 Clover Island Drive, Kennewick. Mr. Hanson stated he is a new tenant of the Port and that it is a truly wonderful experience to work with Port staff. Mr. Hanson acknowledged the special details on the island; for example, the clay colored parking lot, the colored sidewalks by the marina, fencing of the yacht club. He is appreciative to the Port for helping his business to thrive on the island.

No further public comments were made.

CONSENT AGENDA

The consent agenda consisted of the following:

- A. ***Approval of Direct Deposit and Warrants Dated September 15, 2011***
Direct Deposit totaling \$21,744.74 and Expense Fund Voucher Numbers 32308 through 32310 totaling \$3,649.85; for a grand total of \$25,394.59.
- B. ***Approval of Warrant Registers Dated September 28, 2011***
Expense Fund Voucher Numbers 32311 through 32370 totaling \$166,147.52 and Construction Fund Voucher Numbers 3204 through 3208 totaling \$7,803.13.



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C. Approval of Commission Meeting Minutes Dated September 13, 2011

MOTION: *Commissioner Wagner moved approval of the consent agenda; Commissioner Hanson seconded. With no further discussion motion carried unanimously. All in favor 3:0.*

Commissioner Novakovich stated agenda item VIII. B, Vista Field FBO Update, will be heard after the consent agenda. The Board is in consensus to move the item.

OLD BUSINESS

Policies and Procedures for Public Use of Port's Facilities; Resolution 2011-38

Ms. Luke presented the policies and procedures for Public Use of Port's Facilities. Ms. Luke anticipates it may be likely that minor modifications may be necessary in a few months.

Mr. Novakovich wants to ensure parking is protected for tenants of Clover Island when people use the public facilities.

Mr. Hanson does not have any issues, but inquired how the fees were determined. Ms. Hanson performed local and national comparisons with other port districts and the fees are at the lower end of the scale.

Mr. Arntzen reiterated that at the last meeting he asked Mark Blotz of Clover Island Inn to make comments about the policy. Mr. Arntzen has not heard from Mr. Blotz, and assumes this indicates he is comfortable with the policy.

MOTION: *Commissioner Wagner moved approval of Resolution 2011-38, adopting the Policies and Procedures for Public Use of Port's Facilities; Commissioner Hanson seconded. With no further discussion motion carried unanimously. All in favor 3:0.*

NEW BUSINESS

A. 2012 Planning Workshop

The following are highlights of the September 27, 2011 Port of Kennewick 2012 Planning Workshop. Attached, and available on the Port's website at www.portofkennewick.org, is the aforementioned planning document.

Mr. Peterson presented the draft 2012 Work Plan and stated each year a Planning Workbook is produced to identify Port properties and suggestions from staff of what projects may be undertaken in the upcoming year. The Planning Workshop is held in conjunction with the budgeting process. After discussion and direction from the Commission, staff will modify the document to reflect the desire of the Commission.

The Port's prospective vision includes the following:

- Realize the Vista Field airport economic and transportation potential



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- Continue to maximize economic efforts by obtaining strategic real property
- Focus on waterfront development/redevelopment
- Realize and support economic development opportunities with wine & tourism industry
- Provide additional development building space throughout the port district
- Continue to secure grant funding opportunities
- Operational expenses offset by operational incoming—"close the gap" (cost benefit analysis)
- Fund projects with resources in-hand, not with bond or loan financing
- Pursue projects with development partners demonstrating support; i.e matching funding, political support and enthusiasm
- Pursue fewer projects while selecting projects with the greatest return to the port and the district taxpayers

Mr. Peterson reviewed the Port's 2011 achievements:

CLOVER ISLAND

- Construction project—Metz Family Plaza trellis & artwork installation
- Construction project—Causeway West
- Construction project—Cedars and hotel parking lot reconstruction (10% complete)
- Marina at 100% occupancy

COLUMBIA DRIVE

- Asbestos removed from Beaver building
- Demolition and clearing of 205 E. Columbia Drive
- Option obtained on Mejia properties (Chieftain Motel, Labor Ready, The Pawn Shop)

SPAULDING BUSINESS PARK

- Construction project—updated & enhanced entrance signage
- Design and construction project-replacement/upgrade of light poles (50% complete)
- Pending 1.58 acre land sale (Willamette Dental) - \$230,000

WEST RICHLAND INDUSTRIAL PARK

- Construction project—landscaping enhancement on Keene Road frontage adjacent to Black Heron Distillery
- Partnered with City of West Richland, Benton County, Benton REA and Washington State Department of Transportation (WSDOT) to support the West Richland Red Mountain Interchange Project

VISTA FIELD AIRPORT & VISTA FIELD INDUSTRIAL PARK

- Vista Field Airport Master Plan
- Vista Field Comprehensive Plan and Zoning changed to public facilities designation
- Pending 3.50 acre land sale (Pacific Cataract & Laser Institute) - \$470,000



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- Vista Field closure/redevelopment cost analysis
- 100% Occupancy - T Hangars
- 100% Occupancy - VFDF A and VFDF B
- Pending 5.27 acre land sale (Vista Field II—VFIP II LLC) - \$490,000

OAK STREET INDUSTRIAL PARK

- Obtained HAEIFAC Grant for rehabilitation of DB#1 and DB#2 - \$75,000

FINLEY / HEDGES / TWIN TRACKS INDUSTRIAL

- Continued partnership efforts with Benton County Commission for Piert Road extension

Mr. Novakovich stated it is absolutely amazing what the small staff at the Port of Kennewick can accomplish. He congratulated the staff on their accomplishments over the last year.

Mr. Novakovich stated comments by the public are welcome during the workshop and reviewed the Port's projects in progress.

Mr. Peterson reviewed the work in progress and the suggested work and property management plans.

CLOVER ISLAND

- Continue to fund shoreline restoration (4 years)
- Complete Cedars replacement parking lot
- Construct Village at Island Harbor Phase 1
- Site Improvements at Yacht Club/Office Building
- Shoreline improvements (erosion & vegetation replacement)
- Implement public art project (Confederated Tribes of the Umatilla Indian Nation)
- Implement public art projects (Mother of Reinvention and Eagle)
- Design, permit and install floating seating within marina for Ice Harbor Brewery
- Recoat/recolor Marina West parking lot
- Design and permits for overwater coverage (Boardwalk, riverboat, moorage)
- Pursue removal of Corp restrictions on corner parcel
- Hold corner parcel until entitlement issues resolved

Discussion and Public Comments

Gary Hanson feels it is important to bring Native American artwork to the island, he feels it is important to our area and is something he would enjoy. He stated anything that can be done to bring culture back to the island is superb.

Ed Frost loves the idea of the outdoor seating area for Ice Harbor. He feels the key to the ultimate development on Clover Island and the Willows area is getting sufficient people to the area on a regular basis. Any attraction that will bring people to the area is useful.



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Barb Carter agrees the outdoor seating is a good idea and that it would be very popular.

Don Clayhold stated the area is losing a lot of jobs as a result of Hanford. The Tri-Cities community needs to focus intensively to recreate jobs to fill the gap. Mr. Clayhold did not see anything in the Work Plan that evaluates what the improvements do towards seeking family wage jobs. Mr. Clayhold did not suggest any of the projects be eliminated, but wants to know if thought has been given to all the projects as to how they will enhance the Port's ability to bring family wage jobs to the community.

Mr. Arntzen commented some sections of the Work Plan may not create many jobs, while other sections create many jobs. For example, the Spaulding Business Park will create approximately 400 family wage jobs. Statutorily, it is the mission of Port districts to delve into the world of light industrial and improve the quality of life. This can be balanced by creating places where people want to live and places for people to work.

COLUMBIA DRIVE

- Exercise option to purchase Mejia property upon City demonstrating strong partnership
- Ready site for redevelopment (demolish structures, clear properties)
- Complete Willows Pattern Language Design Process

Discussion and Public Comments

Mr. Novakovich feels the partnership project with the City of Kennewick is vital and that the matching funds of \$425,000 are critical. Acquiring the property is a key to developing the area. The Board is in consensus to have Mr. Arntzen draft a letter to Mayor Young from the Commission inquiring about their partnership intent.

Mr. Don Clayhold commented he had lunch at Casa Chapala recently and realized how much commercial traffic is on Columbia Drive. He inquired if this was considered. Mr. Novakovich stated that part of the redevelopment of the area is to create an area where commercial traffic does not want to travel.

Mr. Brent Gerry stated Columbia Drive is considered a WSDOT State Highway which creates a difficulty in re-routing the traffic.

Mr. Arntzen stated if the nice, wide right turn was taken away, and a 90 degree right turn was created, it would make it more difficult for commercial traffic and create an incentive to travel an alternate route.

Mr. Gerry suggested another option may be to work with the City of Pasco and City of Kennewick, as well as the port districts, to utilize alternate transportation routes via the Pasco side of the river.



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Mr. Clayhold stated a sentence may be added to the "Challenges" section to address traffic issue.

Mr. Ed Frost agrees the Port of Kennewick should pursue the option to purchase the Mejia property. It is not just the idea of exercising the option, but if you do not, many efforts, time and resources would be wasted.

SPAULDING BUSINESS PARK

- Review / revise Spaulding and Island View Street Lighting
- Pursue acquisition of additional sites adjacent to Spaulding Business Park

Discussion and Public Comments

None.

WEST RICHLAND

- Design and permit development building
- Yakima Gateway partnership with City
- CERB Loan matching funds
- Market racetrack parcel
- Hold rear 1-acre parcel for future development building site
- Market 1-acre middle parcel

Mr. Peterson pointed out a typographical error and stated the amount set aside for the development building should be \$165,000.

Discussion and Public Comments

Ruth Swain stated she attended an economic development meeting with Mr. Novakovich, Mr. Arntzen and Mr. Peterson to review the key items in West Richland. West Richland faces severe challenges; blight, abandoned buildings, etc. Our citizens resoundingly support renovating the gateway area. The City has invested \$1 million in infrastructure on Van Giesen in collaboration with addition funding from WSDOT. The City has grant funding and will continue to seek additional grants. The City requests assistance with the operational and administration costs. West Richland has 22 miles of riverfront and about 16 feet of access. The citizens want walk able spaces and gathering spaces.

Mayor Donna Noski thanked the Port for their assistance and feels the Port's involvement is very helpful. Mayor Noski stated the Port has been a great partner and West Richland would not be where they are without the Port's assistance.

Mr. Gerry reiterated Mayor Noski's comments with regard to the financial aspect. Mayor Noski is challenged with bringing a balanced budget to the Council and the assistance and partnership from the Port will help with the budgeting process. The City is appreciative of the partnership.



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Mr. Arntzen stated if the design and permitting for the development building is approved and completed in 2012, this would be one of the first projects to complete in 2013. This would give West Richland time to market and pre-lease a portion of the building before it is built.

Mr. Hanson recommends marketing is pursued to pre-lease the building.

Mr. Gerry stated once the development portion of the architecture and engineering has begun, it will allow the City to post a sign notifying the public of the forthcoming building. This will help market the property.

Mr. Novakovich is in favor of the suggested work and property management plan for West Richland.

Mr. Peterson asked if it is the right time to market the property, or should we hold it until it is within the urban growth boundary? The challenge of being outside City limits without utilities and having to provide their own fire protection to the site is a competitive disadvantage.

Mr. Novakovich feels it would be better to focus on other properties at this time. The Commission is in consensus.

Mr. Hanson inquired if we are maintaining the water rights. Mr. Peterson confirmed Alexander is farming the property. A water right analysis was performed district-wide and the value the racetrack property was estimated between \$3,000 to \$5,000 per acre foot. Without the water rights the land loses sufficient value. If it was incorporated and utilities were available, it may be possible to take the water rights from the site. The Port has minimal holding costs until the UGA is amended.

VISTA FIELD AIRPORT & INDUSTRIAL PARK DEVELOPMENT

- Continue to secure FBO Operator
- Continue to implement Master Plan
- Slurry seal taxiway and apron areas
- Infrastructure design and construction in conjunction with private sector hangar development
- Utility improvements for hangar development
- Relocate fencing in conjunction with private sector hangar development
- Apply for State Aviation grants as appropriate
- Parking lot and site improvements to VFDF buildings
- Consider sale/lease of airport properties when consistent with Master Plan
- Market industrial parcels



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Discussion and Public Comments

Mr. Clayhold supports the plan.

Mr. Hanson stated \$70,000 is identified in the Master Plan for remodeling the FBO building; however, the funds are not included in the Work Plan. Mr. Hanson also inquired about the weather station. Mr. Peterson said both items were under the “optional” column, and direction is needed from the Commission on optional expenses.

Mr. Novakovich commented that staff has been instructed to work with Mike Shannon on the FBO contract, and we should wait to see what comes out of contract negotiations before the Port commits funds for items Mr. Shannon may or may not want or need.

Mr. Arntzen commented mandatory items from the Master Plan were included in the Work Plan. Mr. Arntzen feels it would be best to ensure sufficient funds are available before including the optional items. The Port’s commitment is for mandatory expenses. Mr. Shannon may have a different idea of what is necessary at the airport, such as KID water.

Mr. Arntzen stated the Port committed to the 2013 Air Race Classic. The Commission would like the 2013 Air Race Classic to be included in the Work Plan. Mr. Clayhold suggested the Port create an outline for the items to be completed for the race. Ms. Marjy Leggett agreed that the race should be included, as preparatory work will need to be done. Mr. Arntzen asked Ms. Luke to address the 2013 Air Race Classic in the agreement with Dr. Mike Shannon.

OAK STREET INDUSTRIAL

- Improvements to former Ti-Sports occupancy
- Improvements to DB#3, DB#5 and Ag Engineering Buildings
- Complete contract modifications on Kist leasing site
- Hold vacant property southeast of Roth until roadway is completed
- Consider selling leased parcels from DB 4 to Roth Warehouse

Discussion and Public Comments

Development buildings are a great opportunity to help start up businesses.

SOUTHRIDGE

- Monitor / report on development and LRF improvements
- Establish vision and marketing criteria for 8.50 acres
- Hold 8.50 acre parcel until KGH construction is well underway

Discussion and Public Comments

None.



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FINLEY – HEDGES – TWIN TRACKS

- Hold dual rail served properties
- Market remaining parcels consistent with Benton County land use and zoning

Discussion and Public Comments

None.

PLYMOUTH INDUSTRIAL SITE

- Address leads as appropriate
- Hold island and review options to assure protection of habitat and cultural resources
- Market remaining area consistent with Benton County land use and zoning

Discussion and Public Comments

None.

Mr. Peterson stated the Port will hold open house meetings regarding the Comprehensive Scheme of Development and Harbor Improvements on October 25, 2011 and November 1, 2011; and will hold the Public Hearing on November 8, 2011.

ADDITIONAL WORK PLAN PROJECTS

- Complete projects authorized in 2011 Budget
- Complete update of comprehensive scheme
- Acquire additional property for Port portfolio
- Pursue grant funding as appropriate
- Work to close operating gap
- Engage lobbyist for Clover Island, Vista Field & Badger Mountain South
- Benton County Red Mountain West Richland Interchange partnership
- Divest of railroad track asset inventory
- Miscellaneous building repairs/upgrades

Discussion and Public Comments

The Commission directed Mr. Peterson to incorporate the few minor revisions before final approval.

Recessed at 4:11 p.m. for 10 minutes.

Reconvened at 4:21 p.m.

B. *Confederated Tribes of the Umatilla Indian Reservation (CTUIR)*

Mr. Novakovich stated after the joint meeting with the CTUIR, he was invited to a private meeting with their Board of Trustees President Les Minthorn and discussed various topics. In addition, Mr. Novakovich met with Mr. Minthorn and Ms. Bobbie Connor, Executive Director for the Tamastslit Cultural Institute, to tour Port properties and talk about potential economic development partnership opportunities.



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Mr. Novakovich is excited about the possibility of working with the CTUIR and developing a relationship with the sovereign nation.

REPORTS COMMENTS AND DISCUSSION ITEMS

A. *Clover Island*

1. *Cedars Parking Lot Project Update*

Mr. Peterson stated A&B Asphalt has begun the parking lot reconstruction project. The asphalt is schedule for the third week in October; landscaping will be completed by mid-November. The project should be completed by November 23, 2011.

2. *Deed Restriction Report*

Ms. Bader Inglima stated for several years the Port has been working with the US Army Corps of Engineers to include language in the next Water Resources Development Act (WRDA) bill that would remove the review and use restrictions on the corner parcel of Clover Island where the Port's former office building is located. Those restrictions came with the deed, when the land was conveyed in 2006, and limit development to traditional port industrial use.

The Port would like to have the utmost flexibility when pursuing options for this section of the island, and because we have heard from our community that they do not want industrial development on the waterfront...we have been working with a governmental relations firm (LINDSAY, HART, NEIL & WEIGLER) in Washington D.C., to help the Port work through the federal channels to amend these deed restrictions and allow more appropriate waterfront development to occur.

We have learned that the WRDA bill is on the backburner, and because of that, our DC firm has been working with Senator Murray's office to include a deed language amendment in the FY2012 Energy and Water Appropriations Bill (which funds ACOE activities).

On the Senate side, their Appropriations Committee staff have been open to including the language. And in fact, thanks to Senator Murray and her staff, our request--for the language modification--made it into the Energy and Water Appropriations bill, which was marked up by the Senate Appropriations Committee a couple of few weeks ago. And while it is still unclear how the Fiscal Year 2012 appropriations process will proceed--this is a very big step.

On the House side, however, we have learned that they consider the language we are proposing to be an earmark; and earmarks are banned in the House. So, even though our request does not ask for money, or cost the taxpayer anything, the language is specific to a single entity, and that is all it takes for the House to consider it an earmark.

So, considering the issue with earmarks, Ms. Bader Inglima is working on a plan B. With the help of our DC Firm, several versions of our language request have been drafted that are more generic, but would generally give the Corps the authority it needs to strike or



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amend restrictions from the Kennewick deed, and do it without further Congressional action.

There are a couple of options for consideration, depending on what happens in conference when the Energy & Water Resource bill goes to the House side. There is increasing talk about Congress completing the Fiscal year 2012 appropriations process by passing an omnibus spending bill – where they would lump some or all of the annual appropriations bills together in one legislative package. If so, the omnibus would likely not pass until much later this year (somewhere around the Thanksgiving or Christmas timeframe).

However, there are no guarantees, which is why we have drafted the optional legislative language. Either way, the Port has the support of Senator Murray, Senator Cantwell, and Doc Hastings. Ms. Bader Inglima will work with the DC firm to monitor and track the progress. If necessary, we will go through the process again with WRDA or other legislation next year if we don't succeed this time around.

3. *Milfoil Update*

Mr. Boehnke stated the milfoil has been growing thicker each year. A chemical treatment will be applied approximately October 10th or 11th. Although the chemicals are safe while swimming or fishing, sandwich board signs will be used around the marina and dock area, the area will be posted, and notices will be hand delivered to tenants/residents and for a quarter mile prior to the treatment. The treatment area will be from the fuel dock to the dike. The City of Kennewick will be notified of the treatment. Mr. Boehnke stated the City of Richland recently used the treatment at the Columbia Point Marina with great results. Mr. Boehnke stated the City of Kennewick Water Treatment facility is aware of the application, process and schedule.

B. *Vista Field (Clerk's note: This item was discussed after the Consent Agenda.)*

FBO Update

Mr. Arntzen stated Mike Shannon is in the audience. He is a local dentist and is involved with many Tri-City businesses. The Port advertised a Request for Proposals (RFP) for a Fixed Based Operator (FBO) and received three responses. Two proposals were from quality companies; however, they did not respond to all the Port's requests. Mr. Shannon responded to everything in the RFP, and indicated he would bring optional activities. Mr. Arntzen reiterated the Commission accepted public comments at the September 13, 2011 meeting and the public agreed Mr. Shannon's proposal was best suited for the Port. The Commission directed Mr. Arntzen to work with Mr. Shannon on additional proposal details.

Mr. Arntzen had a very productive meeting with Mr. Shannon and will work with Ms. Luke to create a legal document. It is estimated the draft document will be complete by December 2011. The Port is hopeful that Mr. Shannon could begin operating the FBO January 2012.



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Mr. Shannon stated has been a pilot for 50 years and has visited many airports. He feels the airport is a tremendous asset, is a gem, and has potential. When the FBO opportunity presented itself he wanted to make an effort to help. He feels it is time for the community to step up and help develop the airport. His goal is to facilitate and develop the airport to its greatest potential. He feels marketing is a key factor. If people do not know about the airport, or if it is not convenient, they will not come.

Mr. Shannon stated there are not many places a pilot can travel to and have this much fun. It is his goal to get to know the pilots and make them feel welcome. He does not have an interest in being an adversary or competing with local airports. Vista Field will be a boutique airport will have employees greet and assist incoming pilots and guests. He would like to involve the local hotels with courtesy vans and rental car agencies. Mr. Shannon feels it is possible to make our guests welcome without a high personnel cost. He believes in Vista Field and the Tri-Cities; and that financial investment in the airport is necessary. He will work with the Port to help the airport succeed.

Ms. Luke will review how the prevailing wage issue will be handled next year if the laws change.

Mr. Novakovich is very encouraged by the proposal and the effort to bring pilots to Vista Field. He is looking forward to a mutually beneficial relationship that will benefit the community.

Mr. Arntzen expects it will take a couple years for Mr. Shannon to become comfortable with the new duties and responsibilities of running the FBO. The Port appreciates Mr. Shannon's willingness to participate in this public/private partnership; and feels the FBO agreement should list the specific obligations for both parties, especially the financial obligations. Clearly defined duties are beneficial for all involved.

Mr. Arntzen requested approval to send rejection letters for the two remaining proposals. Mr. Arntzen will present the draft FBO contract with Mr. Shannon at a future meeting and is hopeful it will be effective January 1, 2012.

Mr. Novakovich feels this is a wonderful plan and that the proposal is a perfect example of a public/private partnership.

MOTION: *Commissioner Hanson moved approval to accept Mike Shannon's proposal and reject the other two proposals, and instructs the Executive Director to proceed with the contract Mr. Shannon; Commissioner Wagner seconded. With no further discussion motion carried unanimously. All in favor 3:0.*

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



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Mr. Wagner attended the Time of Remembrance at Flat Top Park in West Richland; met with Ted Neth, head of the art department at Columbia Basin College, and Barb Carter, Art Liaison for the Port, to review potential art projects for the island; and attended the Tri-City Regional Chamber meeting for Commissioner Hanson.

Mr. Hanson was out of town for most of the month; however, he did attend the TRIDEC Board meeting and the Convention Bureau meeting, and Mr. Wagner attended the Regional Chamber meeting on behalf of Mr. Hanson. Mr. Hanson met with Steve Young and Paul Parrish.

Mr. Novakovich attended regular meetings representing the Port; the West Richland Economic Development tour; met with the CTUIR, attended several Veteran's meetings, and attended the WPPA Trade & Economic Development seminar in Wenatchee. Mr. Novakovich attended a news conference regarding the HAEIFC grants and received the grant check for the Port of Kennewick. He attended a news conference at the Humane Society site; met with Richard Ruther from Richland's Art Commission and spoke about the potential of building a performing arts or theater to bring in professional performers for live plays.

D. *Non-Scheduled Items*

1. Ms. Bader Inglima reminded the Commission and public of the State of the Ports luncheon.
2. Comprehensive Scheme of Development and Harbor Improvements. Mr. Arntzen stated staff has been working on the document for over a year. Open House meetings will be held and our jurisdiction partners have been included in the process. The document will be presented to the Commission for approval.
3. The Small Ports Conference will be held October 20-21, 2011; the Commissioners and a few staff members will attend.
4. The Marina Conference will be held November 9-10, 2011: Commissioner Wagner and a couple staff members will attend.
5. The WPPA Annual Conference will be held December 7-9, 2011; the Commissioners and one or two staff members will attend. Mr. Arntzen stated conferences help staff learn how to be more efficient and effective for the public.
6. Mr. Peterson stated a 160 foot yacht, "Lady M II", owned by Lord Michael Ashcroft visited our community for a day and a half. The Lady M II is traveling to Lewiston from Alaska.

PUBLIC COMMENTS

Mike White, 1118 W. 22nd Avenue, Kennewick. Mr. White stated last weekend his wife received a phone call from a friend who was visiting the area to go out on the paddleboat, and did not realize the White's lived here. Mr. White is happy tourists are coming to the Tri-Cities.

No further public comments were made.

Mr. Novakovich anticipates the Executive Session regarding a real estate matter will last approximately 20 minutes with no action taken. Mr. Novakovich asked the public to notify staff if



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they will return after the Executive Session. The public will not return.

Mr. Novakovich recessed the meeting at 4:43 p.m. for approximately 3 minutes.

Mr. Novakovich reconvened the meeting into Executive Session at 4:46 p.m.

EXECUTIVE SESSION

Real Estate, per RCW 42.30.110(1)(b)

Executive Session adjourned at 5:02 p.m. with no action taken.

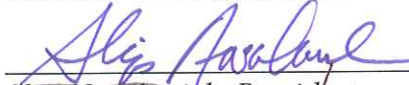
The regular meeting reconvened at 5:02 p.m.

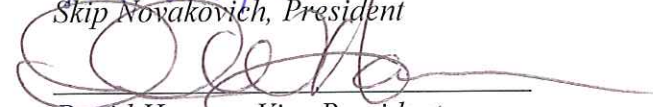
ADJOURNMENT

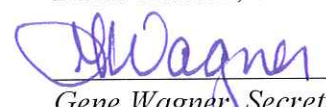
With no further business to bring before the Board; the meeting was adjourned at 5:02 p.m.

APPROVED:

**PORT of KENNEWICK
BOARD of COMMISSIONERS**


Skip Novakovich, President


David Hanson, Vice President


Gene Wagner, Secretary

PORT OF KENNEWICK

RESOLUTION 2011-38

***A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE PORT OF KENNEWICK APPROVING THE
PUBLIC SPACES POLICY AND USE AGREEMENT***

WHEREAS, in an effort to provide organized use of the Port of Kennewick's facilities, the Public Spaces Policy and Use Agreement describes the services available and procedures to be followed when reserving a public space; and

WHEREAS, this policy may be updated occasionally with all revisions being approved by the Port Commission via Resolution; and

WHEREAS, staff recommends approval of the Public Spaces Policy and Use Agreement and believes this to be in the best interest of the Port.

NOW THEREFORE, BE IT RESOLVED that the Port of Kennewick Commission does hereby approve the Public Spaces Policy and Use Agreement, as attached.

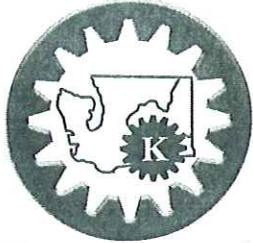
ADOPTED by the Board of Commissioners of Port of Kennewick on the 27th day of September 2011.

**PORT OF KENNEWICK
BOARD OF COMMISSIONERS**

By: 
SKIP NOVAKOVICH, President

By: 
DAVID HANSON, Vice President

By: 
GENE WAGNER, Secretary



Port of Kennewick

PORT OF KENNEWICK

PUBLIC SPACES POLICY AND USE AGREEMENT

INTRODUCTION

The following information is provided to communicate a uniform policy that shall apply to everyone while visiting or using Port of Kennewick public spaces that are open to the general public and to describe the services available in certain Port of Kennewick public spaces.

Reservations and scheduling for use of these public spaces are required for any community, special or private event that involves more than visiting or routine use by the public at large.

The following public spaces (please see attached map) have been categorized for their intended type of use and are available to the public for community or private activities:

Lighthouse Plaza, Clover Island, Kennewick, WA – 125 person capacity

BBQ Plaza, Clover Island, Kennewick, WA – 30 person capacity

Overview of Reservation Procedure

1. To obtain scheduling information contact the Port's Secretary at 509-586-1186, fax at 509-582-7678, e-mail at bscott@portofkennewick.org or in writing or person at 350 Clover Island Drive, Suite 200, Kennewick, WA 99336.
2. Obtain application forms, facility information and general policy information at www.portofkennewick.org, or at the Port offices located at 350 Clover Island Drive, Suite 200, Kennewick, WA 99336.

Purpose and Priority

The purpose of Port public spaces is to provide public access, support Port business operations and facilitate community uses. In an effort to balance community access and private demand, the Port has decided to offer, whenever possible, certain public spaces for community and private events when they do not overly restrict access by the general public or interfere with Port business operations.

The Port retains the right to cancel any scheduled use in the event of an emergency or

Initials _____ / _____
POK User

for other Port requirements, as determined by the Executive Director. In the event a scheduled use must be canceled, the Port will notify affected groups or individuals with as much notice as possible. The Port shall not be liable for any damages caused by cancellation of the scheduled use; the User shall have no recourse against the Port for any breach hereunder.

Applications and Making Reservations

Organizations practicing, supporting or promoting activities, which are contrary to local, State or Federal law, shall not be permitted to use Port public spaces. Scheduling shall be on a first-come, first-served basis.

For All Other Reservations

The Port will accept applications up to 6 months in advance of the month of intended use. Applications will be processed in the order received. Submittal of an application and payment does not guarantee availability. Applications shall be reviewed and can either be accepted, limited, or denied.

To have confirmed reservations for a designated public space, Users need to complete the following three steps:

1. Complete, sign and return an application form (available at www.portofkennewick.org).
2. Make the required payment (see attached fee schedule).
3. Provide appropriate insurance naming the Port as an additional insured. A copy of the insurance certificate in the amount of One Million Dollars (\$1,000,000) and with an insurer satisfactory to the Port naming the Port as an additional insured must be provided at least twenty (20) business days prior to use of the public space. The reservation will be canceled if the insurance certificate is not timely provided.

NOTE: There may be some cases where the Port determines that an activity or intended use of the public space is of a nature for which insurance is not required.

Upon receipt and review of the application and payment, Users will receive a confirmation form which will serve as confirmation and proof of the reservation.

Fees and Payment

See Attached Fee Schedule.

Community Use Rates (for events advertised as completely open to the public, free of charge, and not a fundraiser) are generally 50% of the Private Use Rates. This reduction in rate is based on the general public

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receiving an equal benefit of public space use. The community use rate does not apply to events that are revenue generating or that raise funds. It must be a community use being actively promoted as open to the public. Please see In-Kind Sponsorship Authorization form.

NOTE: To qualify as a community use the activity must be open to the general public and evidence of a community announcement, acceptable to the Port, must be provided at least twenty (20) business days prior the date of the event. The activity will be classified as a private use if proof of community announcement is not timely provided.

User fees may be paid by check or money order made payable to the Port of Kennewick.

Rights and Privileges

Individuals or groups without confirmed reservations must relinquish the public space when proof of a valid Port receipt for the reservation of that public space is presented. If no receipt for the reservation for the public space is presented, then the public space is available on a first-come, first-served basis.

For unauthorized or uncooperative individuals who will not relinquish use of the public space for which you have a reservation receipt, you should first attempt to notify the Port at (509)586-1186. However, if the situation warrants, you have the right to notify local law enforcement. In the event of an emergency, call 911.

Rescheduling Processing Fee

Applicants will not be charged for the first request to reschedule a single time and/or date; however, multiple schedule changes will be charged a rescheduling processing fee of \$25.00 per time or date change.

Cancellations and Refunds

All notices of cancellation and requests for refunds must be made in writing to the Port of Kennewick, Attention: Port Secretary, 350 Clover Island Drive, Suite 200, Kennewick, WA 99336. Once received, refunds generally will be issued in 30 days.

NOTE: To receive a full refund, less administrative fee, cancellation must be made in writing a minimum of 30 business days prior to your reservation date.

NOTE: No refunds will be made due to weather conditions.

Should the Port be required to cancel reservations due to an emergency or other Port requirement, the applicant is eligible for a full refund.

Set up

Any use that requires site preparation or set up of equipment, furniture, fixtures or other personal property is restricted to areas which do not directly interfere with entries, exits, tenants or Port business operations and requires prior written permission of the Port. Tables, chairs, or signs, etc. are not allowed near roadway, walkways, sidewalks, trails, entry doors, or other areas that may affect public use of Port facilities. Please see attached map. Signs advertising or promoting the event are not permitted without permission of the Port.

Port equipment, furniture, fixtures or other personal property may not be moved or rearranged without prior permission and specific direction from the Port.

Should User set up or access is required outside of regular Port hours, additional fees may be applied.

Breakdown & Clean Up

Use of a public space is conditioned upon the return of that space to a neat, clean and undamaged condition at or prior to the ending time that User has reserved the space. Failure of individuals to vacate the public space at the designated time may result in denial of subsequent use of Port public spaces.

The individual or entity signing and completing the application form will be considered the responsible party for usage of the public space and shall be responsible for the actions of their guests and/or vendors. The responsible party shall be liable for damage to the premises; the responsible party shall be required to pay for all damages within fifteen (15) days of receiving an invoice from the Port.

Users must carefully adhere to each of the clean-up items specified on the application. All garbage must be removed from the public space area or facility by the Users. Should excessive garbage be anticipated, it is the responsibility of the User to arrange and pay for the obtaining and removal of their own garbage receptacles.

Hours of Use

The hours of use are dawn to dusk (4 hour maximum).

Period of Use

The period of use specifically include set up, break down, and clean up and is not subject to extension without express written consent of the Port.

Use Impact

The design and purpose of Port public spaces is to support general public access, Port business operations, and facilitate community uses. It is in this spirit that the Port reserves the right to restrict or deny use of Port public spaces. Use impact assessments shall be made from review of applications submitted. Failure of individual members of the public to fully disclose the intended use of the public space may result in denial of subsequent use of Port public spaces.

Individual members of the public practicing, supporting or promoting activities which are contrary to local, State or Federal law shall not be permitted to use Port public spaces.

Activities may be classified as "high impact" based on the type of activity in the public space requested and/or the anticipated attendance of the activity. It shall be at the sole discretion of the Port to determine whether a particular use is high impact.

Public Space Use Standards

The following use standards apply to everyone while visiting or using public spaces for community, special or private events.

Conduct

All persons shall conduct themselves in a civil manner consistent with community standards and Port policies. Individuals or groups being disruptive or causing damage may be asked to leave and or denied subsequent use of public spaces.

Tents/Canopies/Shade Structures

Tents, canopies and shade structures are allowed for private use on Port public spaces with written permission from the Port. Please see map for location within which tents, canopies and shade structures may be placed.

Alcohol

The opening or consuming of any alcoholic beverages is prohibited in all public space areas or facilities.

Candles, Flowers, Balloons & Breakables

The Port does not allow helium balloons, fog or bubble machines, lanterns, candles, breakable objects, heat-producing equipment, or other smoke-emitting materials or devices. The Port does not allow glitter, confetti, rice, birdseed or

flower petals. The Port allows flowers in the public spaces if they are contained, but does not allow flower petals to be spread or tossed within the public spaces. No materials including but not limited to tacks, nails, staples, or tape are to be used on any exterior walls, structures, or landscaping.

Food, Non-Alcoholic Beverages, and Catering

Food, non-alcoholic beverages, and catering may be allowed in the public spaces with prior written consent of the Port.

The scope and cost of services provided to the User by their vendor is solely between the User and the vendor, and the Port is not responsible for fulfillment of the vendor agreement. The Port does not provide table linens, china/dishware, flatware or table service settings.

NOTE: Users are responsible for ensuring their vendor(s) follow all guidelines as written in this *Public Spaces Policy and Use Agreement*. Failure of User and/or vendor to comply with any of the guidelines may result in denial of subsequent use of Port public spaces.

Following an event, Users are responsible for food removal, clean up, and return of public space facility to its original setting.

Music

Music may be permissible as long as it does not interfere with Port business operations or tenants. Unreasonably loud music that interferes with Port business operations or tenants will not be allowed. Music must be used in compliance with all applicable local, State and Federal regulations.

Litter

No person shall throw or deposit litter on any Port property, except in public receptacles or specified containers arranged by User and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the facility or grounds, or upon any street or other public place. Where public receptacles are not provided, User shall arrange for receptacles and all event trash and litter shall be carried away and properly disposed. Fines for littering shall be imposed in accordance to local municipal codes and regulations.

Whether permitted by state law or not, the possession or discharge of any common fireworks are prohibited in or upon all Port public space areas.

Equipment & Supplies

For Lighthouse Plaza events, User must provide his/her/their own resources at his/her/their own cost. This includes: portable toilets and garbage receptacles (placed according to map) must be provided for all events for over 50 persons

which last more than one hour. If portable toilets and garbage receptacles are not provided the User may be subject to cleaning and damage liability to the Port.

Expectations

Please be advised that Clover Island is a working waterfront area and public space facilities are located near and within a public use island, boat launch, and marina; as well as private ownership venues. Your event may be impacted by the general public as well as marine industrial activities, and private and public use activities nearby including noise, fumes, dust, exhaust from boats, and vehicles, as well as adjacent traffic related to pedestrian and boating facility users accessing the island's restaurants, hotel, parking, boat launch, and marina sites.

Safety and Security

Persons using Port public spaces do so at their own risk and agree to defend, indemnify, and hold harmless the Port as to any claims or suits arising out of such use.

Individuals shall be responsible for the security of all personal items while visiting or using any Port facility. The Port is not responsible for the damage, loss or theft of personal items and does not provide security for users of public spaces.

The Port may require some individuals or groups, depending on the type of activity or use, to take precautions by acquiring security personnel acceptable to the Port. Costs incurred to acquire security personnel shall be the responsibility of the User.

Signs

It is prohibited to place any sign, banner, or advertising on or in any Port public space without permission of the Port.

Restricted Areas

It is prohibited for any person except a duly authorized Port employee in the performance of his or her duties, or other person authorized by law, to enter or go upon any area which has been designated and posted as a "no admittance" or "closed to use" or a "no trespassing" area for the purpose of protecting Port property or for protecting the public from conditions which constitute a potential hazard.

Motor Vehicles

Motor vehicles may be operated only on paved roadways and may be parked only in designated paved or graveled parking areas. "Paved roadways" do not

include sidewalks or paved ways for the exclusive use of pedestrians, bicycles, or wheelchairs.

Parking

Everyone must observe and adhere to each facility's parking regulations. Availability of adequate parking for events is not guaranteed by the Port. Parking spaces at Port facilities are for the use of the general public and/or facility patrons during open facility hours. Parking while a facility is closed, overnight parking and residential parking on or at Port facilities is prohibited unless express written authorization is given by the Port.

Reserving Port facilities for high-impact use, with large numbers of people attending, may require a special parking agreement with the Port.

Pets and Animals

With the exception of certified service animals, animals are not allowed in Port buildings open to the public except by written permission of the Port.

All pets and animals, where allowed on Port property, must be under control by means of a leash, restraints or in suitable carriers.

Owners or handlers are responsible for cleaning up their animal's waste deposits left on Port property. Owners and handlers are required to have in their possession the equipment necessary to remove their animal's fecal matter when accompanied by said animal on Port property or adjacent public easements or right of ways.

No person shall hunt, catch, or injure any wild animal or birds on Port property unless express written consent is given by the Port.

Destruction, Removal or Encroachments of Port Property

It is prohibited for any person to remove, injure, deface, damage, or destroy Port property. This applies to all aspects of the natural or landscaped environment and to any structure, object, equipment, improvement, other Port property.

It is prohibited for any person other than a duly authorized employee or agent of the Port 1) to place, erect, or maintain any structure or obstruction of any kind on Port property, 2) deposit or store any refuse, debris, vegetation, personal property, litter, or any other material on Port property; 3) mow, prune, cut, clear, plant on, or otherwise alter or disturb any natural or landscaped property.

HOLD HARMLESS

Applicant hereby agrees to protect, indemnify, defend and to hold and save harmless the Port, its elected officials, agents and employees, their successors and assigns, heirs, executors, and administrators from and against all liabilities, obligations, fines, claims,

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POK User

claims for mechanics liens, damages, penalties, causes of action, costs and expenses (including without limitation attorney's fees and expenses), and any and all claims by or on behalf of any person or persons, firm or corporation, in connection with any such items of actual or alleged injury or damage,

- arising out of acts or omissions of the undersigned, its servants, agents, invitee, guests and employees on or about Port property, or
- arising out of the use of Port property or any part thereof,
- due to or arising out of any failure on the part of the undersigned to perform or comply with any policy, rule, ordinance, or law to be kept and performed.

THE UNDERSIGNED APPLICANT HEREBY WAIVES (GIVE UP) ITS IMMUNITY UNDER THE INDUSTRIAL INSURANCE ACT RCW TITLE 51 AND/OR THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT.

THE UNDERSIGNED APPLICANT HEREBY AGREES TO INDEMNIFY THE PORT FOR THE CONCURRENT NEGLIGENCE OF THE PORT AND THE UNDERSIGNED.

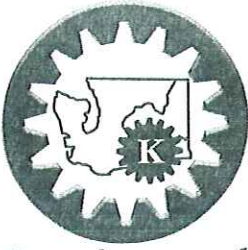
This indemnity agreement does not apply when such damage or injury is caused solely by negligent or intentional acts of the Port, its elected officials, agents or employees.

By signing below I acknowledge that I have read and understand the rental information and policies including in this packet. I will abide by all Port rules and regulations while renting this public space.

Signed: _____ Date: _____

Printed Name: _____

Thank you for contributing to the community effort to preserve the natural beauty and resources of the Port of Kennewick's public spaces.



Port of Kennewick

FEE SCHEDULE:

Private Individual or Business	\$250.00
Non-Profit Organization/Community Group	\$125.00
Public Agency	<i>Fee Waived</i>
<i>(See In-Kind Sponsorship Authorization Form.)</i>	

Note: The above fees include a \$50 non-refundable administration fee.

Additional fees may be required should User set up or access be required outside of regular Port hours.



Port of Kennewick

PORT OF KENNEWICK

PUBLIC SPACE – REQUEST FOR USE

For use of the Port of Kennewick Public Spaces, please fill out this form and return it along with the signed Policy and Agreement form, and applicable payment to:

PORT OF KENNEWICK
350 Clover Island Drive, Suite 200
Kennewick, WA 99336

Public Space Requested:

_____ Lighthouse Plaza – 125 person capacity

_____ BBQ Plaza – 30 person capacity

Name of Individual, Group Organization: _____

Type of Organization (Please check one):

_____ Private Individual or Businesses (\$250.00 fee*)

_____ Non-profit organization/community group (\$125.00 fee*)

_____ Public agency (Fee waived)

*Note: Non-refundable \$50.00 administrative fee included.

Address: _____

Contact Person: _____

Telephone No.: _____ FAX No.: _____

Email Address: _____

Day of Event Contact Information: _____

Type of Gathering: _____

Date(s) of Use: _____

Time Period(s) of Use: _____

Number of Attendees: _____

Name of Individual, Group Organization: _____

Date(s) of Use: _____

Please check all that may be applicable to your event and describe:

_____ Signage _____ Food/Beverages (non-alcoholic) to be served

_____ Extended Use Period _____ Tent/Canopy or Shade Structure

_____ Catering / Vendor _____ Other Special Requirement – Please Describe

Description: _____

PLEASE READ AND SIGN THE ATTACHED POLICY AND AGREEMENT WHICH STATES RULES AND REGULATIONS AND THE PROPER USE OF THE PUBLIC SPACE.

If you have any questions, please call (509) 586-1186. Thank you.

=====

For Office Use Only:

Fee Received (circle one): \$250 \$125 *Fee waived*

_____ *Proof of Insurance Received*

Special Authorization(s) Given:

_____ *Tent/Canopy/Shade Structure (describe)* _____

_____ *Extended Use (describe):* _____

_____ *Signage (describe):* _____

_____ *Special Parking Requirements (describe):* _____

_____ *Other (describe):* _____

Request for use approved by: _____

Dated: _____



Port of Kennewick

IN-KIND SPONSORSHIP AUTHORIZATION

Sponsorship Name: _____

Event Date and Time: _____

Staff Lead: _____

Public Space/Facility Requested:

_____ Lighthouse Plaza
_____ BBQ Plaza

BACKGROUND INFORMATION

Date of Request: _____

Host Organization: _____

Estimate # of Attendees _____

Legal Status (501(c)3, 107(c), etc.) _____

Contact Name: _____

Address: _____

Phone: _____ Email: _____

PURPOSE OF PORT'S PARTICIPATION IN THIS EVENT

_____ Customer/business Marketing
_____ Port Membership Organization Event
_____ Community Relations/Advertising of Port

STATEMENT OF RELEVANCE

The Port's participation in this event must be connected to trade promotion, economic development, or a demonstrated active business relationship or partnership with the Port.

Please explain how this event meets this requirement.

Monetary Value, if Any: \$ _____

Note: As a public agency of the State of Washington, the Port of Kennewick considers all sponsorship requests in accordance with applicable Washington Statutes and applicable sections of the Washington State Constitution. All requests are subject to budget limitations, program prioritization, and the approval of the Port.

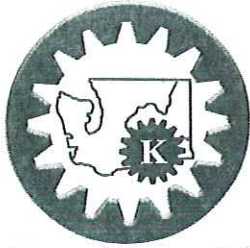
Benefit to the Port:

Note which opportunities will be provided to the Port – please be detailed.

- _____ Advertising
- _____ Speaking Opportunity
- _____ Other

Description: _____

Please read and sign Port Public Spaces Policy and Use Agreement.
Please attached fee schedule.



Port of Kennewick

FEE SCHEDULE:

Private Individual or Business **\$250.00**

Non-Profit Organization/Community Group **\$125.00**

Public Agency *Fee Waived*
(See In-Kind Sponsorship Authorization Form.)

Notes: The above fees include a \$50 non-refundable administration fee.

Additional fees may be required should User set up or access be required outside of regular Port hours.