



REGULAR COMMISSION MEETING

PORT OF KENNEWICK

FEBRUARY 14, 2012 MINUTES

CALL TO ORDER

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

The following were present:

Board Members: Skip Novakovich, President
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
Bridgette Scott, Secretary/Special Projects
Lucinda Luke, Port Counsel

PLEDGE OF ALLEGIANCE

Barb Carter led the Pledge of Allegiance.

PUBLIC COMMENT

Ed Frost, 609 W. Albany, Kennewick. Mr. Frost complimented the consultant and Port staff on the final Pattern Language document. He feels the document presents exciting and diverse concepts to the community. Mr. Frost appreciates the conversations between City of Kennewick and the Port regarding Duffy's Pond and hopes the discussions will continue. Mr. Frost stated there is no legal parking close to Duffy's Pond; and inquired if parking can be designated.

Mr. Peterson suggested one of the gates at the Willows could be opened and that gravel and cabling could be installed at a minimum cost. Mr. Peterson will investigate ADA issues before proceeding. Mr. Novakovich inquired how much staff time will be necessary and if there are sufficient funds in the budget.

Tim Dalton, Historic Downtown Kennewick Partnership (HDKP). The HDKP supports the Pattern Language document and the removal of the Beaver Building. Mr. Dalton presented a letter requesting the Port Commission assign a liaison to the HDKP to be a non-voting member. Mr. Novakovich stated the request will be considered; however, he distinctly recalls the HDKP indicating they want nothing to do with the waterfront or Bridge to Bridge area the day before the community presentation. Mr. Dalton does not recall that happening, although he knows the agency would not be the lead agency on the project due to the scope of work. Mr. Dalton does not believe the HDKP would take that position. Mr. Dalton reiterated the HDKP wants to partner with the Port and has provided letters of support upon request in the past. No further public comments were made.



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CONSENT AGENDA

The consent agenda consisted of the following:

- A. Approval of Direct Deposit and Warrants Dated January 13, 2012**
Direct Deposit totaling \$29,666.17 and Expense Fund Voucher Numbers 32728 through 32731 totaling \$4,049.85; for a grand total of \$33,716.02.
- B. Approval of Direct Deposit and Warrants Dated January 31, 2012**
Direct Deposit totaling \$26,990.23 and Expense Fund Voucher Numbers 32793 through 32797 totaling \$13,398.82; for a grand total of \$40,389.05.
- C. Approval of Warrant Registers Dated January 25, 2012**
Expense Fund Voucher Numbers 32732 through 32792 totaling \$129,661.71. Construction Fund Voucher Numbers 3251 through 3255 totaling \$30,825.75.
- D. Approval of Warrant Registers Dated February 15, 2012**
Expense Fund Voucher Numbers 32798 through 32843 totaling \$51,773.18. Construction Fund Voucher Numbers 3256 through 3259 totaling \$2,966.50.
- E. Approval of Commission Meeting Minutes Dated January 10, 2012**
- F. Approval of Economic Development Corporation Meeting Minutes Dated January 10, 2012**
- G. Approval of Condolence Letter to Mrs. Frix**

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

PRESENTATIONS

A. Adam Hrebeniuk, ShareFest Event March 24, 2012

Ms. Bader Inglima introduced Adam Hrebeniuk and stated a partnership was formed last year with Columbia Community Church through the 2011 ShareFest event. Mr. Hrebeniuk shared photographs from the 2011 clean up of Duffy's Pond and stated the event helps them train the next generation to care about their community. They appreciate the opportunity to share their time and resources and many are looking forward to completing the Duffy's Pond project. ShareFest started five years ago and Duffy's Pond is one of many projects. For example, they help shut-ins with yard work or house cleaning; install sprinkler systems or flower beds at parks, landscape Badger Mountain trail, and plant trees. They have also built a gazebo at Howard Amon Park.

Ms. Bader Inglima stated the clean up Duffy's Pond was a joint project with the City of Kennewick and leverages the Port's investment in the area.

B. 2013 Air Race Classic, Marjy Leggett

Ms. Leggett is the Chairman of the Air Race Classic 2013. The Air Race Classic is an annual all-women's air race that started in 1929. Amelia Earhart participated in the first race. In the last 84 years, the race began twice in Washington, with the Tri-Cities hosting the 1984 race. The 2013 race will start in Kennewick and end in Fayetteville, Arkansas. Participants range in age from 18 to 80 and come from all over the country. Ms. Leggett anticipates approximately 55 airplanes will participate with over 100 pilots, 10 judges, and



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numerous mechanics, family members, volunteers, and visitors attending the race. The event has the potential to bring a multitude of people and tourism dollars to the area. The Air Race Classic is seeking sponsors and volunteers for the event. A fund-raiser breakfast will be held at Applebee's on May 5, 2012. Breakfast may be purchased for \$7.00, with proceeds going to the Air Race Classic. If donations and sponsorships exceed the amount needed, the surplus will be used for scholarships.

Ms. Leggett stated tie-downs will need to be installed and the crack seal of the runway must be performed before the race. Mr. Arntzen suggested Ms. Leggett meet with Ms. Hancock and himself to create a list of needed items for the event.

NEW BUSINESS

A. Clover Island

Approval of Public Spaces Decoration Policy and Use Agreement; Resolution 2012-03

Ms. Bader Inglima stated staff have received a number of requests for banner and/or decoration placement on the island. A policy has been drafted similar to the Public Use of Space Policy to address issues such as timelines, placement, etcetera. Ms. Luke will review the policy after it has been in place for approximately one year to see if any revisions are necessary. Mr. Wagner is comfortable with the policy and feels our liability is well-represented.

MOTION: *Commissioner Hanson moved approval of Resolution 2012-03 approving the Public Spaces Decoration Policy and Use Agreement; Commissioner Wagner seconded. With no further discussion motion carried unanimously. All in favor 3:0.*

B. Spaulding Business Park

Approval of Utility Easement; Resolution 2012-04

Mr. Peterson stated on January 13, 2012 the Port received a request from Brashear Electric and Conner Construction to modify an existing easement to allow all utilities to locate within the easement. The easement is located within the Spaulding Business Park directly east of the site on which Conner Construction is completing a 24,500+ square foot medical office building. In conjunction with the construction of the Conner building, numerous utilities (*Richland Energy Services, Cascade Natural Gas, Charter Communications, Frontier Communications*) were installed within the easement alongside the existing Benton PUD fiber network. After all installations were complete it was discovered that the easement originally granted by the Port in 2008 conveyed rights to only the Benton PUD for their fiber network. The 2008 easement document did allow the Port to grant this "easement to third parties on such terms as it (Port) chooses".

The extension of services within the easement results in utilities necessary to serve the Port's property. The easement already exists and this request would not increase the encumbrance on the Port site, just allow efficient use of an existing easement.

Mr. Hanson will recuse himself from the vote because he has a contract with Benton PUD.



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MOTION: *Commissioner Wagner moved approval of Resolution 2012-04 authorizing the Port's Executive Director to execute all necessary documents associated with granting the easement; Commissioner Novakovich seconded. With no further discussion motion carried unanimously. All in favor 2:0. Commissioner Hanson recused himself.*

REPORTS COMMENTS AND DISCUSSION ITEMS

A. *PacLand Industrial Water Rights*

Mr. Peterson stated a 37 acre land sale was approved in November 2011 for construction of a 100,000 square foot carbon fiber manufacturing facility. PacLand has worked through shoreline issues and has the support of the Benton County Commissioners for the project. However, during the due diligence process, they became concerned if the well would provide sufficient water on a daily basis to meet their needs. The process to request new water takes years to process and could sour the land sale as PacLand would be forced to look at another site that already has water in place. Unfortunately, the Port does not have another piece of property in their portfolio that would meet the needs of PacLand.

Mr. Peterson stated the Port has substantial irrigation water rights throughout the Finley area that can be converted to industrial process water rights, which is a fairly simple process. Mr. Peterson met with Darryl Olsen, Chairman of the Benton County Conservancy Board, and reviewed the Port's overall water right holdings and found a small right that can be converted and provide sufficient water for PacLand. Although the Purchase and Sale Agreement (PSA) directs the Executive Director to sign all documents necessary to complete the transaction, Mr. Peterson felt it would be appropriate for the Commissioners to make the decision to transfer the right, as it is a Port asset. The water right is three acres and is located at the intersection of 397 and Piert Road. If the water right is transferred and PacLand does not build, a buyback clause will be included in the PSA. The value of the water right is \$1,500 per acre; \$15,000 when it is converted. Mr. Novakovich stated he would like the Port to retain the land sale as PacLand could bring 80-100 new jobs to the community and will bring economic diversity to the area. Mr. Wagner and Mr. Hanson agree. Mr. Wagner stated the land sale would be a step in the right direction, the creation of new jobs is very valuable to the community. The Board agrees by consensus to transfer the water rights and amend the PSA agreement as appropriate. Mr. Peterson will submit the transfer application to the Benton County Conservancy Board.

B. *Review of Unified Wine & Grape Symposium in Sacramento*

Mr. Novakovich stated Port representatives have attended the Wine Symposium and Tradeshow in California for a number of years. This year, the tradeshow utilized two floors of the convention center and featured wine industry related vendors.

Mr. Novakovich stated the Port recruited a cork manufacturer at the convention a few years ago. This year, some of the vendors at the trade show expressed interest in relocating the Tri-City area, particularly in the Port of Kennewick district. Mr. Novakovich feels the trip was beneficial and informational and that the contacts made could be far reaching and have a wide ranging effect.



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Delegates from the City of West Richland suggested Mr. Arntzen and Mr. Novakovich investigate the City of Healdsburg's downtown located near the Napa Valley. It was an excellent example of redevelopment. It featured a beautiful courtyard in the middle of downtown surrounded by small businesses. Mr. Arntzen feels some attributes of Healdsburg could be duplicated in the Willows area.

Mr. Wagner feels it was a very worthwhile trip; everything related to the wine industry was represented at the symposium.

While attending the symposium, Port staff and commissioners met representatives from the Idaho Wine Commission and received a personal invitation to visit their wine incubator site in Caldwell.

Mr. Arntzen commented he met Gary Black, Integrated Structures Inc., at the symposium several years ago. This contact was significant as the Port recently hired Mr. Black to begin the Pattern Language process for the Willows area.

Mr. Arntzen discovered it may be beneficial to recruit a wine barrel repair company or manufacturer to the Tri-Cities. Most wineries purchase barrels annually at a cost of \$1,000-\$1,400 each, and if a barrels breaks, it is shipped to California for repair. A local repair company may be attractive to our wineries.

Mr. Arntzen obtained samples of wine bags at the symposium and reported the future of the wine industry may move to a bag instead of a bottle.

C. *Waterfront Center International Project Judge*

Mr. Novakovich reported Mr. Arntzen was a presenter at the Waterfront Center conference two years ago; and as a result, was invited to participate on the jury to judge the international waterfront projects for 2012 in New Jersey. The invitation is an amazing compliment to the Port and our community.

Ms. Bader Inglima stated she worked with the Waterfront Center when employed by the Tri-Cities Visitor and Convention Bureau (TCVCB). The TCVCB partnered through the Riverfront Enhancement Council to hire the Waterfront Center in 1996 to complete the first plan for the rivershore in this community. They identified priorities based on their experience, such as the Heritage Park Trail and lighting the Cable Bridge. The TCVCB brought the Waterfront Center back to the area in 2008 to update the plan. The Waterfront Center is very well regarded in our community and is an organization that focuses on revitalizing waterfronts across the world. Mr. Bader Inglima stated it is a tremendous honor for Mr. Arntzen to have been recognized and it also speaks very highly of the investment that the Port has made in the waterfront and revitalizing downtown and creating a destination on Clover Island. It could also be advantageous for the Port to have Mr. Arntzen involved in the judging as he may be able to bring back additional ideas for utilization on Columbia Drive and Clover Island.



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The Commission gave consensus for Mr. Arntzen to participate as a judge and directed Ms. Bader Inglima to issue a press release.

D. *International Economic Development Council (IEDC)*

Mr. Arntzen stated the Port has not participated in the IEDC in the past, but feels it could be helpful for economic development. There is a nominal fee to join and funds would be re-appropriated to participate in IEDC seminars. Mr. Arntzen suggested that Ms. Hancock attend a conference in March and provide a report upon her return. Mr. Arntzen feels the IEDC may be a new avenue to refine the Port's economic development efforts. If a good report is received from the first conference, staff could attend additional IEDC conferences.

Mr. Arntzen stated the Port has a 501c3 Economic Development Corporation (EDC) for economic development which has been dormant for many years. It may be a good time to reactivate the Corporation.

Ms. Fine performed preliminary research on EDC's and its possibilities and limitations. A few cities and ports in Washington utilize an EDC. Most of the EDC's obtain revenue bonds and pass them off to industrial development users. Ms. Fine will continue to research EDC's and will re-file for a tax identification number. The IEDC offers training, advisory services, legislative affairs, research centers and publication centers. Ms. Fine believes it could be very beneficial for the Port to join the IEDC.

Mr. Novakovich stated the IEDC could help the Port redevelop our economic development efforts and could be a great tool in our toolbox. The Board is in consensus for Ms. Hancock to attend the March IEDC conference.

E. *Comprehensive Scheme Amendment*

Mr. Arntzen stated the Comp Scheme adopted last fall might need revisions with regard to West Richland before the Port commits to the capital project scheduled for West Richland. If the Commission decides to change the capital project, the legal requirements to revise the Comp Scheme will need to be followed.

Mr. Novakovich commented this request came from statements made by the Mayor and Economic Development Director of West Richland. Mr. Novakovich feels the request should be considered due to the need for return on investment projects.

West Richland Councilman Gerry shared that as the City of West Richland discovers new economic development opportunities, they would like the opportunity to share the information with the Port.

Mr. Hanson does not mind considering the request; however, he is concerned about amending the Comp Scheme as it was just adopted in November 2011. Mr. Peterson pointed out that new developments have occurred in West Richland that were unknown at the time the Comp Scheme was adopted. Mr. Gerry stated the City of West Richland had not completed their Economic Development Plan at the time the Comp Scheme was being



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developed. Their Plan has since been adopted and they would like to utilize their Plan in conjunction with the Comp Scheme.

Mr. Arntzen commented that if the Comp Scheme is re-opened and it is decided to keep the current development building project in West Richland; that it could postpone the plans for architecture and engineering scheduled for completion this year. The Commission requested a formal acknowledgment from the City of West Richland that the process may be delayed if the original project is selected.

Mr. Gerry suggested the Joint Economic Development Committee be utilized to discuss various alternatives. The Commission directed a meeting be scheduled for the Joint Economic Development Committee.

F. *Executive Director Performance Goals*

The documentation for this item will be reviewed by the Commissioners and the item will be placed on the Consent Agenda.

Recess: 3:32 p.m. for 8 minutes.

Reconvened: 3:40 p.m.

G. *Clover Island*

1. Duffy's Pond Update / ShareFest Event March 24, 2012

Ms. Bader Inglima reported the Commissioners directed staff to work with the City of Kennewick and the Army Corps of Engineers to begin conversations of how to complement the developments on Clover Island with additional public access and recreational benefits near Duffy's Pond. The conversation initially began with removing the fence and debris and requesting the lay-down yard be relocated. Ms. Bader Inglima spoke at the City's Parks & Recreation Commission meeting and requested the Commission approve their staff to work with the Port to investigate options for partnering opportunities for improvements and eventually sub-leasing Duffy's Pond to the Port.

Ms. Bader Inglima and Mr. Peterson met with the Cultural Center and Natural Resource personnel from the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) on February 2, 2012 to begin discussions and inquire if they have any concerns about additional recreation and public access improvements to Duffy's Pond. They also asked what the CTUIR would like incorporated in the area.

Ms. Bader Inglima received a copy of the City's lease from the Army Corps of Engineers and has since met again with City staff to identify issues for discussion. The City of Kennewick invited the Port to meet with the City's infrastructure committee and if they are in agreement to allow staff to explore options for sub-leasing Duffy's Pond, it will be forwarded to the Council for final approval.



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2. Clean Vessel Grant Update

Ms. Bader Inglima applied for a State Parks and Recreation grant through the Clean Vessel Program for a portable sewage pump for boaters with on-board restroom facilities. Currently, the Port only has a fixed sewage pump on the fuel dock. The State has funds available with a no match requirement, and 100% grant funding. The Port received approval of our grant and will receive \$24,800 to purchase a portable sewage pump out station that can service boats in the marina or at the upland area. The grant is pending the SEPA application and appropriate permits.

Mr. Arntzen stated part of the reason Ms. Bader Inglima was initially hired was to obtain grant funding. He feels she has been very successful and reported that she has obtained over a million dollars in grant funding.

H. Vista Field

1. FBO Lease Update

Mr. Arntzen stated the draft lease agreement was sent to Dr. Shannon before Christmas for review. Mr. Arntzen met with Dr. Shannon for three hours recently and believes the best way to respond is to acknowledge the changes and ask Dr. Shannon to put his list together in written form for our review. Mr. Hanson inquired if a date to complete the agreement has been set. Mr. Arntzen stated the agreement is a very complex undertaking, and believes there will be several more meetings before finalizing the document. Mr. Arntzen feels the negotiations should remain between the two parties until the document is in final draft form. Mr. Arntzen anticipates a response from Dr. Shannon within a month.

2. Resurfacing Grant Update

Mr. Peterson stated the Port is working with Riedesel on the resurfacing grant. Riedesel stated the initial survey for the taxiway identified far less cracking than initially anticipated. Therefore dollars allocated for the project could be utilized for numerous cracks on the runway. Eric Johnson of the Washington State Department of Transportation, confirmed that although the grant was written for taxiway crack seal and slurry, it could enhance the pavement at Vista Field. Mr. Peterson stated with the current bidding climate; it may be possible to fix most of the pavement. This project will be a Small Works Roster project. Ms. Bader Inglima stated additional grant funding for the airport may be available; she will investigate and report the findings.

I. Columbia Drive - Integrated Structures Inc. (ISI) Design Contract

Mr. Arntzen received the design agreement for the second phase of the Willows Pattern Language project from Gary Black of Integrated Structures Inc. The Pattern Language project was a great process and involved many community leaders and stakeholders. The final document will be very beneficial for developing the Willows area. It was the Port's intent to complete the first phase of the Pattern Language and see how it is received by the community.



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The second phase is unfunded at this time, but if approved, would include a conceptual master plan, proposed land use map, building footprints, suggestions for renovating current buildings, new buildings, zoning implications, pedestrian and vehicle paths, outdoor space including courtyards, plazas, and shopping streets, and access sites and parking. A 3D cardboard model and a meeting to present the documents and model to the stake holders is also included. The fee is \$54,000. Mr. Arntzen suggested a future land sale could fund the second phase should the Commissioners approve the agreement.

Mr. Novakovich commented a model would be helpful to provide an illustration for display to the public. Mr. Arntzen stated master planning is very expensive; the Clover Island Master Plan cost approximately \$300,000. Ms. Bader Inglima stated when pursuing grant funding it is critical to be able to provide planning documentation and show public support for the project.

The Commission is in consensus to move this project forward as funding is available. Mr. Arntzen will forward the design agreement to the Commissioners for review.

Mr. Arntzen meets monthly with Marie Mosley, City Manager for the City of Kennewick. They have a meeting scheduled to discuss potential joint efforts on Columbia Drive, including the zoning issue.

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

Mr. Hanson met with the Friends of Vista Field, and had three meetings with potential candidates for his Commission position.

Mr. Wagner spoke with potential Commission candidates, attended regular meetings, the Kennewick Man and Woman of the Year banquet and the Unified Wine and Grape Symposium.

Mr. Novakovich attended normal meetings, met with a couple potential Commission candidates, attended the Kennewick Man & Woman of the Year banquet, the Unified Wine & Grape Symposium, and a meeting to discuss an invitation to serve on the Board of Directors for the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Tamastlikt Cultural Center. The Port and CTUIR legal counsels have been consulted and there is no conflict of interest. Mr. Novakovich will submit his resume for consideration.

K. *Non-Scheduled Items*

1. Ms. Hancock stated the PCLI land sale of 3½ acres adjacent to Vista Field officially closed January 31, 2012. The process was very long and involved and included rezoning, platting, entitlements, and easements issues. Ms. Hancock stated the City of Kennewick staff was very helpful and involved throughout the process.
2. Mr. Arntzen attended the Legislative Committee in Olympia on February 10, 2012. He feels there are many bills being promoted which would inhibit small business owners.
3. Mr. Arntzen feels when interested candidates inquire about the duties and responsibilities of the position he will explain the business of the port without the political implications. He will encourage the candidates to talk to others as well. Mr.



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Novakovich stated all candidates should be treated the same, and should be encouraged to contact current Commissioners and attend Commission Meetings. Mr. Hanson stated he will try to have a resignation date at the next meeting. Mr. Arntzen explained the two remaining Commissioners make the appointment after interviews are conducted. The last time the appointment process was initiated, the interested parties completed an application detailing their experience and interest. Mr. Arntzen generated a list of questions that were given in a sealed envelope to the Commissioners just before the interviews. Mr. Arntzen stated the statutes allow Commissioners to discuss qualifications in executive session; however, he recommends the process be completed in open session to eliminate any questions by the media or public about the selection process.

4. A developer contacted Mr. Arntzen recently requesting maps of the parcels next to Vista Field. He is interested in building a spec building and leasing it to small businesses that have airplanes. This is the first time someone has expressed interest in speculative development that would be aircraft related near Vista Field. Mr. Peterson will work with the developer.

PUBLIC COMMENTS

Mr. Don Clayhold, 3100 S. Everett Place, Kennewick. Mr. Clayhold inquired if the resurfacing grant includes striped runway painting. Mr. Peterson replied striping was not included in the initial grant application; it was for taxiway crack seal and slurry; however if the slurry seal overlaps the line, it will be fixed.

Mr. Mike White, 1118 W. 22nd Avenue, Kennewick. Mr. White inquired about the status of the request for public records. Ms. Luke stated the request is still in process and clarification has been requested of Mr. Ziobro.

Mr. Clayhold congratulated the Port for bringing a new potential business to the airport. He feels the word is out to the aviation community that the airport will remain open and that more businesses will be interested in locating to Vista Field.

No further public comments were made.

Mr. Novakovich stated the Contract Negotiations item will not be discussed during executive session and that no action will be taken on executive session items. Mr. Novakovich asked the public if they will return for the results of the executive session. The public will not return.

Mr. Novakovich recessed the meeting at 4:23 p.m. for approximately 2 minutes.

Reconvened into Executive Session: 4:30 p.m.

EXECUTIVE SESSION

- A. Real Estate (selection of site/acquisition), per RCW 42.30.110(1)(b)
- B. Real Estate (minimum price), per RCW 42.30.110(1)(c)
- C. Contract Negotiations, per RCW 42.30.140(4)(b) **Clerk's note:** This item was removed from the agenda in open session.



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Mr. Novakovich called for an Executive Session at 4:30 p.m. to last approximately 45 minutes, with no action expected.

Executive Session adjourned at 5:02 p.m. with no action taken: The regular meeting reconvened at 5:03 p.m.

ADJOURNMENT

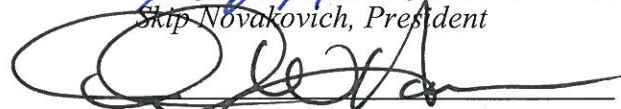
With no further business to bring before the Board; the meeting was adjourned at 5:03 p.m.

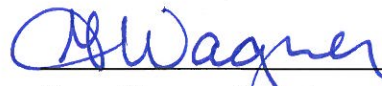
APPROVED:

PORT of KENNEWICK

BOARD of COMMISSIONERS


Skip Novakovich, President


David Hanson, Vice President


Gene Wagner, Secretary

PORT OF KENNEWICK

Resolution No. 2012-04

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF PORT OF KENNEWICK APPROVING
A UTILITY EASEMENT AT SPAULDING BUSINESS PARK**

WHEREAS, on January 8, 2008, Port of Kennewick Commissioners adopted Resolution 2008-05 approving granting of a 10-foot wide easement on land within the Spaulding Business Park, graphically depicted on "Exhibit A-1", for the installation of fiber optic lines by the Benton Public Utility District (Benton PUD) for provision of fiber service to Spaulding Business Park and the Richland Wye; and

WHEREAS, during the winter 2011 and in conjunction with construction of the building at 1305 Fowler Street, numerous utilities were placed within the 10-foot easement, without impact to the Benton PUD's fiber; and

WHEREAS, on January 13, 2012, a request was received from Brashear Electric and Conner Construction to modify the easement restrictions to allow all utilities to be co-located within the easement; and

WHEREAS, the request will not increase encumbrances on the Port's land, but will provide efficiencies of service and enhance the development potential of the Port's land.

NOW, THEREFORE; BE IT HEREBY RESOLVED that the Board of Commissioners of Port of Kennewick hereby authorize the Port's Executive Director to execute all necessary documentation associated with granting a utility easement.


ADOPTED by the Board of Commissioners of Port of Kennewick on the 14th day of February 2012.

**PORT of KENNEWICK
BOARD of COMMISSIONERS**

By:


SKIP NOVAKOVICH, President

By:


DAVID HANSON, Vice President

By:


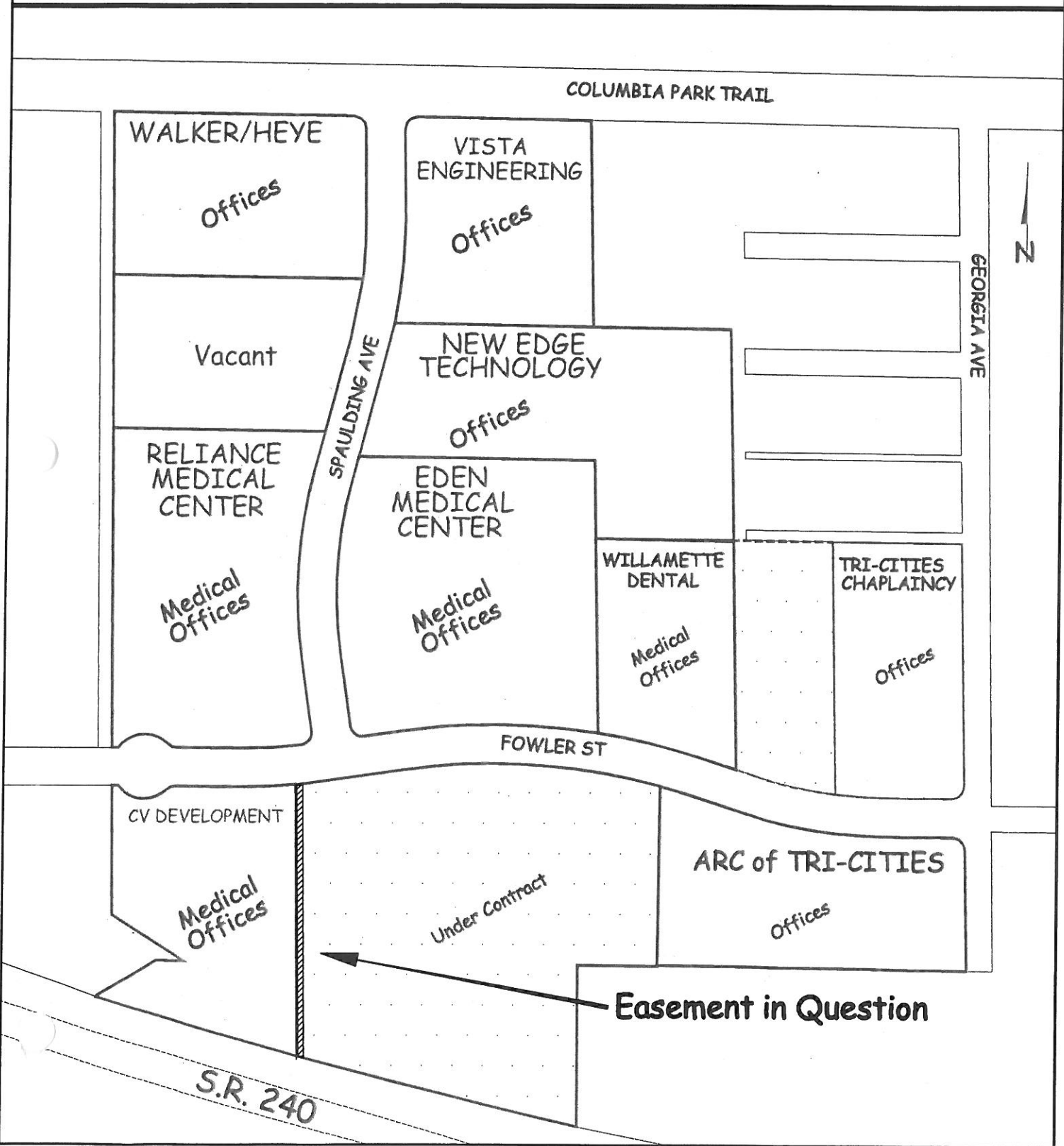

GENE WAGNER, Secretary

Exhibit A-1

**PORT OF KENNEWICK
SPAULDING BUSINESS PARK
10-foot Utility Easement Grantee Change**



PORT OF KENNEWICK

RESOLUTION 2012-03

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

WHEREAS, in an effort to provide organized use of the Port of Kennewick's facilities, the Clover Island Decoration Policy and Use Agreement describes the port-owned spaces available and procedures to be followed when placing decorations (banners, signs, cloth, ribbons, etc.) in/on/around those public spaces; and

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

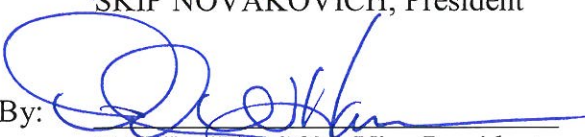
WHEREAS, staff recommends approval of the Clover Island Decoration Policy and Use Agreement and believes this to be in the best interest of the Port.

NOW THEREFORE, BE IT RESOLVED that the Port of Kennewick Commission hereby approves the Clover Island Decoration Policy and Use Agreement, as attached.

ADOPTED by the Board of Commissioners of Port of Kennewick on the 14th day of February 2012.

**PORT OF KENNEWICK
BOARD OF COMMISSIONERS**

By: 
SKIP NOVAKOVICH, President

By: 
DAVID HANSON, Vice President

By: 
GENE WAGNER, Secretary

PORT OF KENNEWICK

DECORATION OF CLOVER ISLAND ENTRYWAY ARCH AND LANDSCAPED AREAS POLICY AND USE AGREEMENT, AND APPLICATION

INTRODUCTION

The following information is provided to communicate a uniform policy that shall apply to everyone wishing to decorate or place a banner or other signage on or around the Port's Clover Island entryway arch, entryway landscaped areas, or any public space located on Clover Island related to Clover Island use or an event located on Clover Island. Location of signage, banners and decorations must be approved by the Port.

Overview of Reservation Procedure

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.

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 placement of decorations and signage in conjunction with community and private events, involving more than 100 persons, on Clover Island when they do not overly restrict access by the general public, involve political, divisive, or potentially controversial messages, or interfere with Port business operations.

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

All decorations, banners, or other signage shall comply with federal, state, and municipal laws, codes, and regulations.

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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 Reservations

The Port will accept applications for *Decoration of Clover Island Entryway Arch and Landscaped Areas* up to 6 months in advance of the month of intended use. Applications will be processed in the order received. Submittal of an application does not guarantee availability. Applications shall be reviewed and can either be accepted, limited, or denied. *Scheduling shall be on a first-come, first-served basis.*

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

1. Complete, initial and sign, and return this entire document including the Decoration Policy and Use Agreement, and the Decoration Application Form to: Port of Kennewick offices located at: **350 Clover Island Drive, Suite 200, Kennewick, WA 99336.**
2. Receive a signed confirmation of approval and authorization from Port of Kennewick which will serve as confirmation and proof of the reservation.

Set up

Location of signage, banners and decorations must be approved by the Port. Any use that requires site preparation or set up is restricted to areas which do not directly interfere with entries, exits, tenants or Port business operations.

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 be required outside of regular Port hours, User shall give adequate notice to and make arrangements with Port personnel.

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 to do so 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. **The responsible party shall be liable for damage to Port property; the responsible party shall be required to pay for all damages within fifteen (15) days of receiving an invoice from the Port.**

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Period of Use

The total period of use shall be no more than thirty (30) days. Decorations, banner(s) or other signage **shall be related to a Clover Island use or event** and shall be removed within (3) days after the event or use. The proposed period of use shall be specified on the application form and the Port shall determine whether such proposed period of use is acceptable.

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.

PUBLIC SPACE USE STANDARDS

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.

Expectations

Please be advised that Clover Island is a working waterfront area and the locations that you intend to decorate are located near and within a public use island, boat launch, and marina; as well as private ownership venues. Your decorations may be impacted by the general public as well as marine industrial activities, and private and public use activities nearby 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.

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

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.

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 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 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, 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 (GIVES UP) ITS IMMUNITY UNDER THE INDUSTRIAL INSURANCE ACT RCW TITLE 51 AND/OR THE LONGSHOREMEN'S

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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 using this public space.

Signed:_____ **Date:**_____

Printed Name:_____

Thank you for helping preserve the natural beauty and resources of Port of Kennewick's public spaces.

DECORATION APPLICATION FORM

Requested Decoration(s) will be in place*:

Installed*: _____ Day _____ Month _____ Year

Removed*: _____ Day _____ Month _____ Year

(*The period of use shall be no more than thirty (30) days; all items shall be removed
NOT LATER THAN 3 days after the event or use)

NAME OF EVENT: _____

DESCRIPTION OF EVENT/HOW RELATED TO CLOVER ISLAND USE:

DESCRIBE proposed location and specific details regarding type, size, style, and look of proposed decoration(s) [attach additional pages, photos, or detail as needed]:

Signature: _____

Date: _____

Printed Name: _____

FOR OFFICE USE ONLY:

APPROVAL AUTHORIZATION AND CONFIRMATION FORM

Request for use approved by:

Printed Name: _____ Date: _____

Signature: _____

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