

**ORIGINAL**

**PORT OF BENTON  
COMMISSION MEETING MINUTES**

**March 11, 2020**

**A. CALL TO ORDER:** The regular monthly meeting was called to order at 8:30 a.m. at the Walter Clore Wine and Culinary Center, 2140A Wine Country Road, Prosser, Washington. Present were Commissioners Jane F. Hagarty, Roy D. Keck and Robert D. Larson. Staff members present included Executive Director, Diahann Howard, PPM; Interim Director of Finance, Karen Schmidt; Port Counsel, David Billetdeaux; Director of Real Estate, Teresa Hancock; Director of Marketing, Wally Williams; Director of Special Projects, John Haakenson; Interim Director of Economic Development & Gov. Miles Thomas, Airport Manager, Joe Walker; Facilities Manager, Ron Branine and Administrative Assistant, Kelly Thompson. Also, in attendance were Stuart Dezember, Rachel Shaw, Dave Giles, Deb Heintz, Deb Carter, Greg Robertson, Sue Jetter, Clif Dyer and Howard Jensen.

**B. PLEDGE OF ALLEGIANCE:** Teresa Hancock led those present in reciting the Pledge of Allegiance. Commission Jane Hagarty extended a welcome to new staff members and asked for everyone to introduce themselves.

**C. CONSENT ITEMS:**

- 1. A motion was made by Commissioner Roy Keck, seconded by Commissioner Robert Larson and unanimously passed by the Commission approving the February 3, 2020 Special Commission Meeting Minutes, the February 12, 2020 Commission Meeting Minutes and the February 26, 2020 Special Commission Meeting Minutes.**

**D. CURRENT BUSINESS:**

- 1. UNSCHEDULED BUSINESS/VISITORS:** Clif Dyer, Owner of Sundance Aviation, and the Fixed Base Operator (FBO) at the Richland Airport. He reported he formed a small committee to research other opportunities for a possible Wing and Wheels Event. The Committee discussed several options and he stated he would continue to run the Young Eagles Aviation Day, which promotes aviation to children and showcases the Port's Richland Airport. Mr. Dyer advised it appears there is not enough interest by volunteers or time at this point to hold the Wings and Wheels event, therefore he plans just to do Young Eagles and the regular Richland Fly In.
- 2. CHUKAR CHERRY LEASE AMENDMENT:** The Executive Director discussed lease modification No. 3, amending the lease agreement for Chukar Cherries Company at 320 Wine Country Road, Bld A. This amendment would allow them to produce, ship and sell wine in their gift baskets from 320 Wine Country Road. They will be required to obtain a federal license.

**A motion was made by Commissioner Robert Larson, seconded by Commissioner Roy Keck and unanimously passed by the Commission approving lease modification No. 3, and authorizing the Executive Director to execute the necessary documents for the amendment to the Chukar Cherry lease agreement at 320 A Wine Country Road. This amendment will allow them to produce, ship and sell wine in their gift baskets. They are required to obtain all necessary licenses and permits for compliance.**

**3. RESOLUTION 20-11:** Port Counsel discussed the proposed Port State Environmental Policy Act (SEPA). In the past the Port has relied on several state agencies, when in fact the Port can become its own lead agency regarding its own master plans.

**A motion was made by Commissioner Robert Larson, seconded by Commissioner Roy Keck and unanimously passed by the Commission approving Resolution, 20-11, accepting the Port's State Environmental Policy Act, allowing the Port to act as our own lead agency regarding our own master plans.**

**4. RESOLUTION 20-12:** Commissioner Jane Hagarty presented an honorary Resolution recognizing retiring Prosser Economic Development Association (PEDA) Executive Director, Debra K. Heintz for her years of dedicated service. She thanked her for her commitment to economic development in the greater Prosser area.

**A motion was made by Commissioner Robert Larson, seconded by Commissioner Roy Keck and unanimously passed by the Commission approving Resolution 20-12.**

**5. RESOLUTION 20-13:** The Executive Director discussed the recommendation for selection of Aspect Consulting, a consultant for both the Port of Benton and the City of Richland who are partnering for the 1,341-acre Stormwater Study. There is a master plan being funded by Community Economic Revitalization Board (CERB) planning grant in the amount of \$50,000, and both the Port and the City have a match of \$25,000 each for a total project cost of \$100,000.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Robert Larson and unanimously passed by the Commission approving Resolution 20-13, accepting the selection along with a letter of award to Aspect Consulting per Community Economic and Revitalization Board (CERB) requirements.**

**6. GRANT FUNDING:** Sue Jetter reviewed the 2019 Grant Writer Report and provided a breakdown of her time spent working on grants for the Port, Benton City and Prosser Economic Development Association and Prosser Memorial Health currently being pursued. The Commission thanked Ms. Jetter for her professionalism and partnership regarding her services to all local entities.

**7. PROSSER ECONOMIC DEVELOPMENT ASSOCIATION, (PEDA):** Deb Heintz, retiring Executive Director, thanked the Port and especially Commissioner Jane Hagarty for partnering with them on economic development and continued support for Prosser. She also updated the Commission on business recruitment, Leadership Prosser, SR 221 Project, Housing Committee and broadband extension in Prosser. Howard Jensen, former grocery store CEO and board-member of PEDA provided a detailed report on how Prosser recruited a full-service grocery store. Commissioner Jane Hagarty thanked Mr. Jensen for his knowledge and dedication in helping locate the store to Prosser.

**8. CITY OF PROSSER:** Police Chief Dave Giles provided the Prosser Police Department's fourth quarter report from 2019. This report contained detailed information on overtime, training, the different levels of infractions, and a report on the School Resource Officer and his duties. Rachel Shaw, Public Information Officer and City Clerk for Prosser stated that since Chief Giles has been in charge over seven years, the police department is well trained and very involved with the community.

**9. WALTER CLORE WINE AND CULINARY CENTER:** Deb J. Carter, new Executive Director, introduced herself and provided a brief history on her work experience prior to the Clore Center. She is focusing on controlling costs. They have two full time employees and two part time employees. She reviewed both past and upcoming events scheduled for 2020 at the Clore Center. They are focusing on both the Clore Classic Golf Tournament and the Rising Stars. The Legends event is on hold and may be replaced by a more family-friendly event, possibly a July 4<sup>th</sup> picnic. She stated they receive \$3,500 per month from the City of Prosser Lodging Tax Advisory Committee (LTAC) which is received from motel/hotel taxes, imposed on guests not from Prosser taxes, but from Visitor taxes.

The Port's Executive Director stated she looked forward to a future meeting to review the Clore Board's operating agreement. Greg Robertson and Deb Heintz, board members, thanked the Port for their continued support and stated how pleased the board is to have Ms. Carter and her innovative ideas.

**E. COMMISSIONER COMMENTS:** Commissioner Roy Keck commented on his recent Pacific Northwest Waterways Association (PNWA) trip to Washington D.C. earlier this month. Their focus is to continue to educate everyone on the importance of saving dams. He stated the draft Environmental Impact Statement is public and encouraged all in attendance to read it and provide their comments to the Corps of Engineers. Commissioners Robert Larson and Jane Hagarty both agreed that educating the public as to the effects of dam removal is vital and once educated, they can submit their comments to the Corps of Engineers.

Commissioner Robert Larson commented on his attendance at the Benton Franklin Council of Governments board meeting and that the Metropolitan Planning Area (MPA) was expanded in Benton and Franklin Counties to include Prosser adding \$37,000 more in transportation funds to be allocated.

Commissioner Larson also complimented the Director of Marketing stating that he was very happy with the State of the Ports video that accompanied the presentation.

Commissioner Hagarty stated her comments were covered by everyone presenting on the agenda.

All three Commissioners thanked Administrative Assistant, Sheri Collins, for the new employee list with updated e mails and cell phone numbers.

Rachel Shaw requested to briefly provide an update on local concerns with the threat of the COVID-19. She cautioned those in attendance not to rely on the media, but to check in with the Centers for Disease Control and/or the Benton-Franklin Health Department to obtain accurate information.

**F. COUNSEL COMMENTS:** Port Counsel provided the Commission with an update on the Port's plan for COVID-19. Staff will begin to practice working remotely from home on laptop computers or iPad's to minimize exposure. The World Health Organization has declared a pandemic. The Governor has limited meetings and assemblies to 50 people or less.

Port Counsel also provided an update on the various legal matters involving the Railroad. The Supreme Court still has not ruled on the taxpayer lawsuit. The Judge in the Eastern District Federal lawsuit has issued a show cause order asking both sides to brief whether the case should be dismissed or remanded to superior court now that all federal issues have been dismissed.

**G. EXECUTIVE DIRECTOR COMMENTS:** The Executive Director stated the staff continues to hold meetings and plan for the possibility of Coronavirus threat and are exploring a remote work plan. She thanked Port Counsel and Jeff Moore, Port of Benton maintenance for their diligence in monitoring and planning for the safety of Port staff, tenants and facilities. The Facilities manager and the maintenance staff continue to monitor all facilities and sites.

The Executive Director discussed the surplus of a Port of Benton laptop computer to a former employee, Stuart Dezember in the amount of \$119. This is standard practice for the Port to surplus out of date equipment and computers. She explained to the Commission that prior to electronics being surplus, they are wiped (all Port information removed). The Commission supports this recommendation.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Robert Larson and unanimously passed by the Commission authorizing the Executive Director to execute the necessary documents to surplus the laptop computer, price valued at \$119, after removing all Port information.**

The Executive Director stated the Hanford Communities is in transition as Pam Brown Larsen prepares to retire later this year. TRIDEC may play a role in the transition plan. A subcommittee has been formed to consider this proposal.

Port strategic planning will begin with Maul Foster Alongi and the Commissioners at the Washington Public Ports Association (WPPA) Spring meeting in May. One on one meetings were offered with individual Commissioners or they can meet as a group if a special meeting notice is done prior. Meetings are scheduled as follows: June 16 a staff workshop will be held off-site. June 17<sup>th</sup> a Community Leader Focus Group, planning workshop for commission and management staff from 8am to 12pm. at the Port Commission Meeting Room.

**H. INTERIM DIRECTOR OF FINANCE COMMENTS:** The Interim Director of Finance, Karen Schmidt, thanked everyone at the Port for the warm welcome and their professionalism. In addition, she thanked Stuart Dezember for his participation on a smooth transition.

**1. VOUCHER REVIEW AND APPROVAL:** Vouchers audited by the Auditor as required by RCW 42.24.080 and certified expense reimbursement claims as required by RCW 42.24.090 have been recorded on a listing, which has been made available to the Port Commission.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Robert Larson, and unanimously passed by the Commission approving the December Voucher Certification and approved for payment those vouchers included in said listing and further described as follows: Payroll Warrants numbered 05521 through 05561 totaling \$93,025.44 and General Expense Warrants numbered 072375 through 072505 totaling \$391,493.46 from the General Expense Fund.**

**I. STAFF INFORMATION REPORTS:**

**COMMUNICATIONS AND MARKETING:** Interim Director of Economic Development & Gov., Miles Thomas provided the report for the Director of Marketing; stating they both, along with the Director of Real Estate attended the Association of Washington Wine Growers Expo earlier this month. They are also working on the finishing touches of the Port's spring newsletter. Mr. Thomas and the



Executive Director have submitted their articles for the Port and the Tri Cities Research District to the Tri City Herald for the 2020 Progress Edition. The Director of Marketing is also finalizing an ad to run in the 2020 Tri-City Herald Progress Edition. The Port is working with Underground Creative on new websites for both the Port of Benton and Crow Butte Park. He reminded everyone the Entrepreneurial Awards Luncheon is April 21, 2020.

**GRANTS:** The updated copy of the Grants Status report was reviewed.

**GOVERNMENTAL AFFAIRS:** Interim Director of Economic Development & Gov, Miles Thomas stated the Port is closely following the agenda for the short legislative session. House Bill 2494 or Point.09 was reintroduced this session and set to expire in Benton County in 2026. This bill is now considered dead and the Port will look for it to be brought forward again next session. The Local Revitalization Financing (LRF) or House Bill 2804 was intended to reintroduce state funding for infrastructure improvements serving economic development and is also considered dead after this session. Community Economic and Revitalization Board (CERB) was introduced in both budgets with matching funding measures of \$10M, it is anticipated to be fully funded as presented. A Low Carbon Fuel Standard (LCFS) was introduced in the legislative session, this bill did not make it out of the Senate Transportation Committee and is considered dead.

The Executive Director stated the Port will host the rail caucus this summer to tour the \$1.5m project currently underway for the bridges that should be completed by the time of the tour. This will help us prepare for the 2021 legislative session.

The Executive Director provided an update from the Pacific Northwest Waterways Association, Mission to Washington DC she attended with Commissioners Keck and Larson last week. They met with congressional offices. The Port will also be coordinating with the Maritime Administration (MARAD) regarding a port security grant and extended an invitation them to tour Port sites and facilities this spring.

**SITES UPDATE:** The Airport Manager discussed inspections which will be held at the Prosser Airport. He also stated the Port will be submitting for a State Grant application which requires a 5% match from the Port.

The Airport Manager stated he and the Director of Real Estate have completed hangar inspections at the Richland Airport. There are 126 based aircraft and the Master Plan process is moving forward.

The Director of Real Estate discussed the City of Richland's newest fire station, is gearing up to commence site work in the Technology and Business Campus. Construction is anticipated September 2021. The city purchased a parcel east of the 3100 building November of 2018.

The Executive Director discussed BNL Tech's request for lease modification in the area they are leasing within 3250 Port of Benton Boulevard. She stated the tenant signed an amendment to their lease (expired 7-31-19) and temporarily down-sized within the full space due to unknowns of DOE contracts and funding (8-31-19). They requested a wall and improvements however these cost cannot be recovered with the tenants request for only an annual lease (renewal is set for 9-1-2020). They are paying the agreed upon reduced amount of lease but no revised amendment to date until

further decisions to modify existing space or present relocation opportunities can be identified. This may result in allowing the existing lease to expire (9-1-2020).

The Executive Director stated she is working with the State of Washington on upgrades and platting at the Richland Innovation Center (RIC) was approved on March 10. The Port is now planning the scope of work.

The Executive Director stated the railroad project is on schedule for work to begin in April.

The Executive Director discussed the proposed Dixon project plan and after researching land it is determined the best alternative would be within the original 9.01 acre parcel within the Willow Pointe area. Roger will survey a site consisting of approximately 3 acres for possible buildings. Mr. Dixon intends to attend the April 8, 2020 Commission Meeting and present plans.

The Executive Director recognized the Director of Special Projects, maintenance staff and the three new camp-hosts for their diligence in preparing Crow Butte Park for opening.

The Director of Special Projects discussed the improvements being made to Crow Butte Park in preparation for the opening scheduled for March 31. Several photos of the clean-up, including, tree trimming/removal, leaf pick up and mowing were shared. He also stated that the park contains more than 400 trees, out of these only 22 were removed. He also advised there is a problem with the upper sewage lagoon near the home. The laundry facilities will have to be relocated. The sewer line will need future work and will need to have a camera run through it. The Tribes have been notified of the on-going work and support the Port.

**J. EXECUTIVE SESSION:** The regular Commission Meeting was recessed at 11:10 a.m. and an Executive Session was convened to discuss on-going and Potential Litigation pursuant to RCW 42.30.110 (1)(i) and Personnel Matters pursuant to RCW 42.30.110 (1)(g). The Commission announced the Executive Session would last no longer than thirty (30) minutes. At 11:40 a.m. the Commission announced the Executive Session would last an additional forty (40) minutes. The Executive Session was adjourned at 12:20 p.m. and the regular Commission Meeting was reconvened.

Commission commented that Veronica Serna has done an admirable job of keeping the Port's finance department running smoothly and wanted to recognize her publicly for that. Commission also directed Port Counsel to communicate with Tri-City Railroad relating to possible settlement options.

**K. ADJOURNMENT:** With no further business, the meeting was adjourned at 12:25 a.m.

  
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Roy D. Keck  
Commission Secretary