

**PORT OF BENTON  
COMMISSION MEETING MINUTES  
November 7, 2018**

**ORIGINAL**

- A. **CALL TO ORDER:** The regular monthly meeting was called to order at 8:30 a.m. at the Port of Benton Commission Meeting Room, 3250 Port of Benton Boulevard, Richland, Washington. Present were Commissioners Jane F. Hagarty, Roy D. Keck and Robert D. Larson. Staff members present included Executive Director, Scott D. Keller, PPM®; Director of Finance, Stuart Dezember, CPA, PPM®, In-house Counsel, David Billetdeaux; Director of Special Projects, John Haakenson; Director of Airports and Operations, Kevin Howard, CM; Director of Economic Development/Governmental Affairs, Diahann Howard; Director of Real Estate, Teresa Hancock; Director of Marketing, Wally Williams and Administrative Assistant, Kelly Thompson. Also in attendance were Dr. William Brauer, Steven Wiley and Roger Wright.
- B. **PLEDGE OF ALLEGIANCE:** Robert Larson led those present in reciting the Pledge of Allegiance.
- C. **CURRENT BUSINESS:**
1. **CONSENT ITEMS:** A motion was made by Commissioner Robert Larson, seconded by Commissioner Jane Hagarty and unanimously passed by the Commission approving the October 9, 2018, Commission Meeting Minutes, October 27, 2018, Special Commission Meeting Minutes and Resolution 18-27, to Cancel Warrant No. 069227.
  2. **UNSCHEDULED BUSINESS/VISITORS:** Steven Wiley introduced himself as the President of the WillowPointe Homeowner's Association (HOA). The entire property is being built out and the former owner/developer left a parcel of land located between the bike path and the Columbia River unmaintained. This parcel was recently transferred to the HOA. They are working with the City of Richland, the Port of Benton and concerned citizens to manage the overgrowth of vegetation. They will also work with the Port to maximize use of herbicide applications. The Port sprays along the path for vegetation and noxious weeds throughout the year.
  3. **PUBLIC HEARING ON THE 2019 PROPOSED BUDGET:** The regular Commission Meeting was recessed at 8:37 a.m. and a Public Hearing was convened for the purpose of receiving public comment regarding the 2019 Port of Benton budget. The Director of Finance presented the proposed 2019 Port of Benton Budget. Commissioner Roy Keck asked for public comment. No public comment was received. The Public Hearing was closed at 8:38 a.m. and the regular Commission Meeting was reconvened.
  4. **RESOLUTION 18-28:** A motion was made by Commissioner Robert Larson, seconded by Commissioner Jane Hagarty and unanimously passed by the Commission approving Resolution 18-28, adopting the 2019 Port of Benton Budget.

5. **RESOLUTION 18-29: A Motion was made by Commissioner Jane Hagarty, seconded by Commissioner Robert Larson and unanimously passed by the Commission approving Resolution 18-29, Certifying the Port's 2018 Levy for 2019 collection.**
6. **PUBLIC HEARING ON THE 2019 PROPOSED COMPREHENSIVE PLAN OF HARBOR IMPROVEMENTS:** The regular Commission Meeting was recessed at 8:40 a.m. and a Public Hearing was convened for the purpose of receiving public comment regarding the 2019 Comprehensive Plan of Harbor Improvements. Commissioner Roy Keck asked for public comment. Dr. William Brauer asked about the increased use of the both the Port's high and low docks. The Director of Real Estate explained that the Department of the Navy essentially has a long-term lease in the form of an easement, and Lampson Crane is their contractor. Dr. Brauer also asked about the Port's plan for maintenance of Horn Rapids Road, east of George Washington Way. The Executive Director explained it is an item with an attached funding request on the Transportation Improvement Plan (TIP), but must be approved by a board of elected officials as a priority project. The Public Hearing was closed at 8:44 a.m. and the regular Commission Meeting was reconvened.
7. **RESOLUTION 18-30: A motion was made by Commissioner Jane Hagarty, seconded by Commissioner Robert Larson and unanimously passed by the Commission approving Resolution 18-30, Adopting the 2019 Comprehensive Plan of Harbor Improvements.**
8. **PUBLIC HEARING ON THE PURCHASE AND SALE AGREEMENT IN AN INDUSTRIAL DEVELOPMENT DISTRICT (IDD):** The regular Commission Meeting was recessed at 8:45 a.m. and a Public Hearing was convened for the purpose of receiving public comment regarding advisability of authorizing a Purchase and Sale Agreement in an Industrial Development District (IDD) in the Richland Business Park (RBP). The Director of Real Estate explained that deeming the parcel of land surplus will promote economic development and that upon approval; it would be removed from the Comprehensive Plan of Harbor Improvements. Commissioner Roy Keck asked for public comment. There was no public comment received. The Public Hearing was closed at 8:46 a.m. and the regular Commission Meeting was reconvened.
9. **RESOLUTION 18-31: A motion was made by Commissioner Robert Larson, seconded by Commissioner Jane Hagarty and unanimously passed by the Commission approving Resolution 18-31, Authorizing the Purchase and Sale Agreement in an Industrial Development District (IDD) in the Richland Business Park (RBP).**
10. **PUBLIC HEARING ON WASHINGTON STATE INITIATIVE 1631, CARBON EMISSIONS FEE MEASURE:** The regular Commission Meeting was recessed at 8:48 a.m. and a Public Hearing was convened for the purpose of receiving public comment regarding Initiative 1631, Carbon Emissions Fee Measure. Commissioner Roy Keck asked for public comment. There was no public comment

received. The Public Hearing was closed at 8:49 a.m. and the regular Commission Meeting was reconvened.

11. **RESOLUTION 18-32:** The Director of Economic Development and Governmental Affairs discussed the information provided and the public notice that ran in the Tri-City Herald and stated this measure did not pass after the state election held November 6, 2018.

**A Motion was made by Commissioner Robert Larson, seconded by Commissioner Jane Hagarty and unanimously passed by the Commission approving Resolution 18-32, declaring the Commission's opposition to Initiative, 1631, Carbon Emissions Fee Measure.**

12. **RESOLUTION 18-33:** In-House Counsel discussed the appendix to the amended Port of Benton Personnel Policy and Procedures Handbook, stating the purpose of the update deals with ethical guidelines and conduct involving any employee involved in any type of grant process. It ensures there is no conflict of interest and is recommended by the State Auditor.

**A Motion was made by Commissioner Jane Hagarty, seconded by Commissioner Robert Larson and unanimously passed by the Commission approving Resolution 18-33, Adopting an Appendix to the Amended Port of Benton Personnel Policy and Procedures Handbook**

- D. **COMMISSIONER COMMENTS:** Commissioner Robert Larson stated he will attend the Tri-City Area Chamber of Commerce "State of the Ports" Luncheon and presentation on November 28, 2018. He also thanked the Director of Marketing for his efforts in assisting the Richland Rotary Club in raising money for Global Polio Eradication Initiative (GPEI).

Commissioner Jane Hagarty stated the Prosser Chamber of Commerce is continuing to search for an Executive Director. She also commented on her attendance at the Prosser Economic Development Association (PEDA) Open House last week. It was well attended by all partners in Prosser. She thanked the Port Team for their dedication to this project.

Commissioner Roy Keck commented on his attendance at the Washington Public Ports Association (WPPA) Small Ports Conference, stating it continues to be informative each year.

- E. **COUNSEL COMMENTS:** In-House Counsel updated the Commission on the recent increase in public records requests received. The taxpayer's lawsuit in Thurston County, Division 2 for Port of Benton and BNSF has been moved to Division I in King County due to a backlog of cases in Division II. The next hearing will take place on January 15, 2019 in the Court of Appeals. Surface Transportation Board Waiver: The Port asked the Surface Transportation Board (STB) to waive a number of required documents when filing the petition. Recently, the STB granted those requests. November 12-15, the Port has scheduled HDR Engineers to measure the structural integrity of the support pilings located under the Railroad Bridge in the Yakima River. It will also check topside and inspect bridge ties.

The Federal Railroad Association (FRA) has postponed their visit to inspect the Port's short line rail until sometime in December. No reason for the delay was provided to the Port.

In-House Counsel discussed a few e-mails received from concerned citizen Jason Heineman regarding the BN and UP running late at night near his residence and slow crossings on Steptoe.

- F. EXECUTIVE DIRECTOR COMMENTS:** The Executive Director discussed a proposal from the Croskrey Brothers, LLC to purchase land and buildings in the Technology and Business Campus. He reviewed the five year development plan they submitted. The Commission authorized the Executive Director to continue negotiations.

The Executive Director discussed a proposal from SIGN Fracture Care, International, to purchase land and a building in the Technology and Business Campus. He stated two appraisals had been received and the sales price would be \$2,550,000. The Commission authorized the Executive Director to continue negotiations.

The Director of Real Estate stated the Sale will close next week on a 1.50 acre parcel of land in the Technology and Business Campus. The City of Richland will purchase the property and build a new fire station to serve the growing north Richland population.

**G. STAFF INFORMATION REPORTS:**

**MARKETING:** The Director of Communications and Marketing stated he is working with the Executive Director to finish the video presentation for the Tri City Area Chamber of Commerce State of the Port's presentation scheduled for November 28, 2018. He is also working with the Director of Real Estate and the Director of Economic Development and Governmental Affairs to market the new building and the sites available located in Vintners Village.

**GRANTS:** An updated grants status report was discussed.

**ECONOMIC DEVELOPMENT AND GOVERNMENTAL AFFAIRS:** The Director of Economic Development and Governmental Affairs updated the Commission on her projects.

Roger Wright, RGW Enterprises, reviewed a map of Horn Rapids Road Right of Way and Department of Energy (DOE) land and existing unused rail track. The City of Richland owns the crossings. The DOE is interested in offering a short term license agreement with the Port to allow use of the unused track. Both major rail users, Burlington Northern (BN) and Union Pacific (UP) have expressed interest in access to this area of track for car storage and railroad economic development opportunities. It also offers potential opportunities for future economic development.

- H. SITE PROJECTS UPDATE:** The Commission was briefed on the Technology and Business Campus, Tri Cities Enterprise Center, Richland Business Park, Railroad, Richland Innovation Center, Richland Airport, Prosser Airport, Prosser Wine and Food Park, Prosser Vintners Village, Walter Clore Wine and Culinary Center, Benton City Properties and Crow Butte Park.

- I. PORT FINANCIAL ISSUES:** 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. As of this date, November 7, 2018, Port Commission by unanimous vote approved for payment those vouchers included in said listing and further described as follows: Payroll Warrants numbered 04657 through 04703, totaling \$113,222.28 and General Expense Warrants numbered 069451 through 069650, totaling \$1,141,122.02 from the General Expense Fund.
- J. EXECUTIVE SESSION:** The Commission Meeting was recessed at 10:15 a.m. and an Executive Session was convened to discuss on-going litigation pursuant to RCW.42.30.110 (l), (i). The Commission announced the Executive Session would last no longer than thirty (30) minutes. The Executive Session was adjourned at 10:45 a.m.
- K. ADJOURNMENT:** With no further business, the meeting was adjourned at 10:45 a.m.



Robert D. Larson,  
Commission Secretary