



**MINUTES OF THE BUSINESS MEETING**  
**Held March 16, 2020**

The March 16, 2020 Business Meeting was called to order at 5:15 p.m., by President Grubenhoff. The meeting was held at the Port of Sunnyside's Business Administration Office located at 2640 E. Edison Avenue, Suite 1, Sunnyside, WA.

**Commissioners and Staff present at the Business Meeting:**

Jim Grubenhoff, Commission President  
Tyler Schilperoort, Commission Vice President  
Arnold Martin, Commission Secretary  
Jay Hester, Executive Director  
Cory Wilson, Operator  
Jill Jacobs, Director of Finance & Administration  
Lucia Navarro, Administrative Assistant  
Rob Faber, Legal Counsel

**GUESTS:** None

**CITIZEN COMMENTS:** None

**DISCUSSION/ACTION ITEMS:**

**Executive Director:**

- The Interlocal Agreement with the City of Sunnyside was discussed. This agreement states that the Port will take over landscaping of Centennial Square. The flower beds will continue to be maintained by Van Wingerden Landscaping.
- Truss Systems recently contacted Jay in regards to electrical upgrades that they would like to have done on the property. The upgrades would allow them to install new equipment that is currently not supported by the existing power supply. The equipment upgrades would also lead to the addition of a swing shift at the property which would require the hiring of additional employees. Jay conveyed to Truss Systems that they would be more favorable to finance the upgrades if an additional two-year lease extension was added in order to capture the upgrade costs. Commissioner Martin stated he sees no problem with investing in the property, as the investment would bring about more jobs as well as help the industry stay in the community. Commissioner Grubenhoff stated that the resulting addition of community jobs falls right in line with Port goals. Commissioner Schilperoort stated he was unsure if the upgrade was necessary, as the business hasn't needed the upgrade since they have been in operation. No decision was made and the Commissioners instructed Jay to wait on responding to Truss pending word on the two-year lease extension.
- The recent proclamations from the Governor closing all K-12 schools in Washington and all in person food and beverage consumption at public venues as a result of the COVID-19 pandemic was discussed. Jay mentioned that Integrity Driving School, Empire Beauty Academy and Varietal Beer Company recently contacted him regarding the mandated closure and how it affects their ability to pay rent during this uncertain time. Varietal and Co Dinn Cellars will be required to close onsite service after tonight per Governor

Inslee's order. Rob presented a memo reviewing whether or not forgiving a portion of their rent is considered a gift during this time. It was the consensus of the Commission, that the COVID-19 pandemic clearly affects the public health, safety, and welfare of the community within its district. Based on the legal opinion provided, the forgiveness of rent is in support of a fundamental government purpose of protecting the public health, safety, and welfare by carrying out the "social distancing" mandated by the Governor, so it should not be considered gifting of public funds. Commissioners agreed to waive rent only (and not the leasehold excise tax, utilities or other non-rent charges) from March 17 through March 31.

#### **Operator:**

- The additional operational costs incurred as a result of Darigold slug loads received this winter were discussed. In total about \$67,000 in chemicals were needed to address the slug loads that upset treatment. The surcharge for all of the slug loads received during that time period total to \$237,159.68. Cory explained that Darigold has significantly lowered their slug load occurrences and has done a better job communicating with the Port when one is expected. Commissioner Grubenhoff stated that he believes Darigold should at least be expected to reimburse the Port for the additional operating charges that were incurred as a result. Commissioner Martin stated that this will be a learning experience for all parties. He suggested that the Port invoice Darigold for the full operational cost plus 10% of the surcharge. He stated that the Port should have the operational cost covered and the surcharge can be worked through until an agreement is made that is suitable to both parties involved. Jay suggested that the Port invoice the full operational cost and the first surcharge only. Commissioner Martin agreed with Jay's suggestion and stated that this will show Darigold the Port's willingness to work with them while they get a handle on the issue.

#### **GENERAL COMMENTS:**

**Staff Comments:** Jay shared that the upcoming CERB meeting scheduled for March 19, 2020 has been cancelled. The Annual WPPA Spring Meeting scheduled for May 2020 has also been cancelled due to the COVID-19 pandemic.

**Legal Comments:** None

**Commissioner Comments:** Commissioner Schilperoort asked for an update on the KFC property. Jay shared that project information is currently being uploaded to the Department of Ecology's EAGL site to apply for funding. He also mentioned that the property owner is open to a 90-day extension on the agreement.

Commissioner Grubenhoff encouraged everyone to be safe during this time and hopes this will work out sooner rather than later.

#### **ACTION ITEMS:**

- The consent agenda includes:

Minutes of the Business Meeting held on March 2, 2020. Payroll issued on March 5, 2020 in the amount of \$41,490.24, payables issued on March 10, 2020 in the amount of \$316,861.43, totaling \$358,351.67. Commissioner Martin moved to approve,

Commissioner Schilperoort seconded. Motion approved 3-0.

- Motion to approve the Interlocal Agreement between the Port of Sunnyside and the City of Sunnyside for maintenance of landscaping services at Centennial Square. Commissioner Schilperoort moved to approve, Commissioner Martin seconded. Motion approved 3-0.

**EXECUTIVE SESSION:** None

**ADJOURNMENT:** The Business Meeting adjourned at 6:16 p.m., peace and harmony prevailing.

  
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Jim Grubenhoff, President

ATTEST:  
  
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Arnold Martin, Treasurer