



## MINUTES OF THE SPECIAL MEETING Held July 27, 2020

The July 27, 2020 Special Meeting was called to order at 12:16 p.m. by President Grubenhoff. The meeting was held at the Port of Sunnyside's Administration Office located at 2640 E. Edison Avenue, Ste. 1, Sunnyside, WA. The purpose of the meeting was to approve and/or ratify the following items:

1. Suggested Motion: To approve Resolution 2020-05, A Resolution Approving the LGIP Transaction Authorization Form.
2. Suggested Motion: To approve Resolution 2020-06, A Resolution authorizing and directing the Executive Director, Jay Hester, to execute an agreement between the Washington State Department of Enterprise Services (DES) and the Port of Sunnyside for aid in financing the costs of an Investment Grade Audit – Biogas Upgrade.
3. Suggested Motion: To approve Resolution 2020-07, A Resolution of the Port of Sunnyside to accept the conditions set forth by the Washington State Community Economic Revitalization Board (CERB), in its offer of financial aid for the Economic Feasibility Study for the Midvale Industrial Park Feasibility Study Project.
4. Suggested Motion: To ratify Change Orders 04, 05, 06, 07, 08, 09 from Rotschy, Inc. in the amount of \$28,561.97 for the UV Disinfection project.
5. Suggested Motion: To ratify the lease termination with Carolina Martinez dba Empire Beauty Academy.
6. Suggested Motion: To ratify the Procurement contract with Dynatec Systems, Inc. for the MBR Project.
7. Suggested Motion: To ratify the Scope of Services with Maul Foster Alongi for the Planter's Hotel project.
8. Suggested Motion: To ratify the First Amendment to the Option Agreement for real property commonly referred to as 400 S. Sixth Street, Sunnyside, Washington.
9. Suggested Motion: To ratify the Training Model Contract with FCS Group Inc.
10. Suggested Motion: To ratify the Interagency Agreement between the Port of Sunnyside and the Department of Ecology (DOE) for the Planter's Hotel project.
11. Suggested Motion: To ratify the Agreement for Professional Services with Conley Engineering for the UV System Project.
12. Suggested Motion: To ratify Task Authorization No. 14 with Parametrix for On Call Services for the IWWTF.
13. Suggested Motion: To ratify the boundary line adjustment documents for the Golob Landing property.

14. Suggested Motion: To ratify rental waivers for the months of March, April, May, June, July and August.

15. Suggested Motion: To ratify the Notice of Award to Dynatec Systems, Inc. for the MBR Project.

**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  
Travis Jansen, Project Manager  
Nicole Jech, Communications Director  
Lucia Navarro, Administrative Assistant  
Jill Jacobs, Finance Director - via phone  
Rob Faber, Legal Counsel

**GUEST:** None

**COMMENTS:** Jay provided a summary Resolution 2020-04 that was passed by Commissioners on March 19, 2020. The resolution declared a local emergency and delegated emergency powers to the Port's Executive Director during the COVID-19 pandemic.

On March 24, 2020 Governor Inslee issued proclamation 20.28 which provided temporary statutory waivers and suspensions of both Washington's Public Records Act ("PRA") and Washington's Open Public Meetings Act ("OPMA") through April 23, 2020. Governor Inslee extended this proclamation several times from April 23, 2020 to May 29, 2020. This proclamation prohibited public agencies from taking "action" unless those matters are necessary and routine matters or are matters necessary to respond to the COVID-19 outbreak and the current health emergency.

Proclamation 20.28-4 issued on May 29, 2020 did not include the prohibition on public agencies from taking action. Therefore, this prohibition expired at 11:59 p.m. on May 31, 2020. From March 24, 2020 through May 31, 2020 the Executive Director was the only agent of the Port of Sunnyside who had authority to take action on behalf of the Port of Sunnyside. Resolution 2020-04 was crucial for the Port of Sunnyside to continue to perform essential business during that time period.

The actions of the Executive Director, taken under the authority delegated by Resolution 2020-04, needs to be ratified by the Commission. The intent was to ratify these items once the public was allowed to physically attend Commission meetings as to remain transparent to the public. As in-person meetings are still prohibited by the Governor, we believe it is best to ratify the Executive Director's actions at this time.

**LEGAL COMMENTS:** None

**ACTION ITEMS:**

1. To approve Resolution 2020-05, A Resolution Approving the LGIP Transaction Authorization Form. Commissioner Schilperoort moved to approve, Commissioner Martin seconded. Motion approved 3-0.

2. To approve Resolution 2020-06, A Resolution authorizing and directing the Executive Director, Jay Hester, to execute an agreement between the Washington State Department of Enterprise Services (DES) and the Port of Sunnyside for aid in financing the costs of an Investment Grade Audit – Biogas Upgrade. Commissioner Martin moved to approve, Commissioner Schilperoort seconded. Jay shared that the project is still being worked through; the meter is currently being recalibrated to provide a more accurate reading. Once the readings prove more accurate, the feasibility of the project can then be determined by DES. Motion approved 3-0.
3. To approve Resolution 2020-07, A Resolution of the Port of Sunnyside to accept the conditions set forth by the Washington State Community Economic Revitalization Board (CERB), in its offer of financial aid for the Economic Feasibility Study for the Midvale Industrial Park Feasibility Study Project. Commissioner Schilperoort moved to approve, Commissioner Martin seconded. Commissioner Martin asked if this contract is for the same Midvale Feasibility Study as discussed in previous meetings to which Jay responded yes. Commissioner Schilperoort asked when the results of the study can be expected. Jay shared that the results may take time as the project is moving slowly. The study, once completed, will prove quite useful for future development of the site. Motion approved 3-0.
4. To ratify Change Order 04, 05, 06, 07, 08, 09 from Rotschy, Inc. in the amount of \$28,561.97 for the UV Disinfection Project. Commissioner Martin moved to approve, Commissioner Schilperoort seconded. Motion approved 3-0.
5. To ratify the lease termination with Carolina Martinez dba Empire Beauty Academy. Commissioner Schilperoort moved to approve, Commissioner Martin seconded. Motion approved 3-0.
6. To ratify the Procurement contract with Dynatec Systems, Inc. for the MBR project. Commissioner Schilperoort moved to approve, Commissioner Martin seconded. Travis commented that a total of 2 proposals were received for this project. The company has been working on the project since April and have just submitted their first invoice last week. Motion approved 3-0.
7. To ratify the Scope of Services with Maul Foster Alongi for the Planter's Hotel Project. Commissioner Martin moved to approve, Commissioner Schilperoort seconded. Commissioner Schilperoort asked for a brief project update. Jay responded that the Department of Ecology has informed the Port that funding was available prior to the COVID-19 pandemic. Since then, the movement on the project has been slow due to the fact that DOE employees all are working from home amid the pandemic. Motion approved 3-0.
8. To ratify the First Amendment to the Option Agreement for real property commonly referred to as 400 S. Sixth Street, Sunnyside, Washington. Commissioner Schilperoort moved to approve, Commissioner Martin seconded. Commissioner Martin asked Jay for a brief overview of this document. Jay stated that the first agreement ended in April and this extension provides the Port with more time to begin Phase 2 on the property. Motion approved 3-0.
9. To ratify the Training Model Contract with FCS Group Inc. Commissioner Martin moved to approve, Commissioner Schilperoort seconded. Jay commented that this contract is for training for Jill to learn how to navigate the new budgeting training tool that FCS created for the Port last year. Motion approved 3-0.



10. To ratify the Interagency Agreement between the Port of Sunnyside and the Department of Ecology (DOE) for the Planter's Hotel Project. Commissioner Schilperoort moved to approve, Commissioner Martin seconded. Jay commented that this agreement allows the Port to begin spending money for the Planter's Hotel Cleanup Project and be reimbursed by DOE for those expenses. No expenses have been incurred on this project to date. Motion approved 3-0.
11. To ratify the Agreement for Professional Services with Conley Engineering for the UV System Project. Commissioner Martin moved to approve, Commissioner Schilperoort seconded. Motion approved 3-0.
12. To ratify Task Authorization No. 14 with Parametrix for On Call Services for the IWWTF. Commissioner Schilperoort moved to approve. Commissioner Martin seconded. Commissioner Grubenhoff asked Jay for a brief summary of the agreement. Jay shared that this agreement is for all of the control assistance at the plant. The Port currently has multiple service agreements with Parametrix for the various projects at the IWWTF. Port staff felt it was best that a separate contract for control assistance be in place. Motion approved 3-0.
13. To ratify the boundary line adjustment documents for the Golob Landing property. Commissioner Martin moved to approve, Commissioner Schilperoort seconded. Commissioner Schilperoort asked for a brief status update on this project. Travis commented that the trailer demolition has been put on hold until Port staff see where the budget ends up at the end of the year. Motion approved 3-0.
14. To ratify rental waivers for the months of March, April, May, June, July and August 2020. Commissioner Schilperoort moved to approve, Commissioner Martin seconded. Commissioner Schilperoort asked Jay what happens to these rentals if they are still not allowed to open up. Jay stated that this will be an ongoing discussion as things progress during this pandemic. Motion approved 3-0.
15. To ratify the Notice of Award to Dynatec Systems, Inc. for the MBR Project. Commissioner Martin moved to approve, Commissioner Schilperoort seconded. Motion approved 3-0.

**EXECUTIVE SESSION:** None

**ADJOURNMENT:** The Special Meeting was adjourned at 1:13 p.m., peace and harmony prevailing.

  
Jim Grubenhoff, President

**ATTEST:**  
  
Arnold Martin, Secretary