

**BAINBRIDGE ISLAND METROPOLITAN PARK & RECREATION DISTRICT
 REGULAR BOARD MEETING DECEMBER 5, 2013
 STRAWBERRY HILL CENTER**

6:00 PM - 7:00 PM: EXECUTIVE SESSION: Real Estate

CALL TO ORDER A quorum being present, the meeting was called to order at 7:01 pm by Chair Swolgaard.

BOARD MEMBERS PRESENT: Lee Cross, Ken DeWitt, Jay Kinney, Kirk Robinson and Tom Swolgaard.

ADJUSTMENTS TO AGENDA: Add to Unfinished Business: Battle Point Park Water System

BOARD CONSENT

APPROVAL OF MINUTES: Upon making the following revisions to the minutes of the November 21, 2013 regular board meeting, Chair Swolgaard stated the minutes stand approved as corrected: p. 3, add "under the updated SMP" after "could be permitted"; p. 3, add a "t" to Perry Barrett's name; p. 4, replace "gg" in "Tom Swolgaard" with "ga".

APPROVAL OF PAYMENTS: MSC: Cross/Robinson: Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing that has been made available to the Board. As of this date, the Board, by a unanimous vote, does approve for payment those vouchers included in the above list and summarized as follows: (Payments were approved at end of board meeting and include check for Hilltop acquisition).

Batch	Batch Date	Batch Amt	Fund No.	Fund Name	Fund Amt	Pre-Approved
120413	12/4/13	57,310.64	94952	General	29,751.14	12/3/13
			94955	Capital Improvemt	27,559.50	
121013	12/10/13	201,711.34	94952	General	181,665.91	
			94955	Capital Improvemt	20,045.43	
November		Payroll	94952	General	262,518.81	

UNFINISHED BUSINESS

BATTLE POINT PARK WATER SYSTEM: Park Services Superintendent Dan Hamlin said staff thought the water issues at Battle Point Park had been resolved, but after another round of testing, the system has failed again. This is driving the need to act more quickly than planned to disconnect the potable water from the water tower and tie it into a smaller tank behind the restroom. Once this work is completed, the water in the tower will be used only for irrigation. What is being asked of the Board tonight is to declare this issue an emergency status so Browne Wheeler Engineers who is currently working on getting system approval can move immediately into the design work that would then be submitted to the State for approval and implementation of the new water system. **MSC: DeWitt/Cross: That the issues with the Battle Point Park water system be declared an emergency in order to bypass the RFQ process for the design work and take immediate steps to design and implement a new system once system approval is achieved.**

JOHN NELSON TRAIL: Senior Planner Perry Barrett referenced the Statutory Warranty Deed before the Board and a corresponding graphic that follows up on negotiations with Island Seniors Community LLC regarding property for a linear park at the original John Nelson site. The District's attorney Ryan Vancil said what is here for the Board to review is the general concept and lay-out of the trail. If the Board is in concurrence with this, he will contact the property owner about an agreement detailing the timeline and confirming that they will make this transfer to the Park District. Executive Director Lande said once the property owner has agreed to everything, the final documents will be brought

to the board for formal approval. Once approved, the trail work can be scheduled. It is possible all the paperwork will be completed sometime in January. The Board was in general agreement with these next steps.

HILLTOP AGREEMENTS WITH BI LAND TRUST:

The Park District's attorney Ryan Vancil provided a brief overview of the Hilltop properties and the negotiations that have been underway for several years. He outlined the documents that are before the Board this evening: A Purchase & Sale Agreement for Parcels C & D with Statutory Warranty Deed; an accompanying Conservation Easement held by the BI Land Trust for Parcels C & D; 3) Three year Lease Agreement for Parcel B which would be transferred to the Park District once fundraising has been completed, subject to an Amended Conservation Easement for Parcel B (in addition to above Conservation Easement for Parcels C & D).

David Harrison, BI Land Trust President Elect, introduced Tom Goodlin current BILT President, and Connie Waddington interim BILT Executive Director. David Harrison spoke to the arduous process that has been underway for many months now as the Park District and BILT have sought to negotiate terms for the Hilltop property. While acquiring this incredible property for the community makes it all worthwhile, he said the level of pain to reach this point is unacceptable and cannot continue in the future. He thinks the continued partnership between the Land Trust and Park District is essential for the community. He said the process related to the Hilltop property is very close to being completed with only \$100,000 in funds left to raise. Acquiring this property for the island is a tremendous achievement that everyone should feel good about.

David Harrison continued by reviewing some final edits requested by the Park Board. It appears that all will be acceptable to BILT with the exception of one item related to the area where the barn is currently located and Land Trust concerns that at some point in the future this area could be used to house organized sports facilities. While this kind of use is restricted in the meadow area, buildings are permitted in the barn area (as outlined in Exhibit B of the Amended Conservation Easement).

Commissioner Robinson expressed frustration with the Land Trust saying that while BILT is concerned with land conservation, the Park District has a larger mission that requires parks to be made available for public recreation. The restrictions the Land Trust wants to place on the Hilltop properties has made partnership with the Park District difficult, since each agency has a different intent. Because he finds the conservation easements to be too restrictive and because he objects to a private party restricting what the Park District can do on park land, Commissioner Robinson said he will vote against the resolution. In the future, he asked BILT to talk more extensively with the Park District before starting to raise funds for a project so that it can be learned beforehand whether the goals of the Land Trust and Park District are compatible.

David Harrison said the troubles the two agencies experienced with each other could have been avoided, and that what took place is unacceptable. He said it is time to start anew.

Commissioner Robinson said part of this has been an issue of trust. The Land Trust must trust that the Park District will not change the character of the meadow and must give the District some flexibility.

Executive Director Lande suggested the Board hold a brief executive session to discuss this matter more.

MEETING ADJOURNED TO EXECUTIVE SESSION at 7:45 pm for discussion of real estate.

MEETING RECONVEND TO REGULAR SESSION at 8:15 pm.

The Park District's attorney Ryan Vancil outlined five edits the Board wants. Most items were acceptable to the BILT representatives present. Discussion centered around one item, that of expanding the size of the permissible building area where the barn is currently located. The Land Trust was open to a 50 foot expansion of this area to the north; the Park Board wanted a 100 foot expansion to the north. A 75 foot expansion was agreed to by both parties along with a

small triangle of land on the southeastern edge of the property to make the buildable area a full rectangle. The BILT representatives present at the meeting said the larger Land Trust Board will need to review these revisions to see if they are acceptable to them. In the meantime, the Park Board agreed to move forward with approving the Hilltop documents as outlined in Resolution 2013-18 (below) subject to these changes being made.

GENERAL BUSINESS

RESOLUTION 2013-18: HILLTOP PROPERTY:

MSC: Cross/DeWitt: That Resolution 2013-18, concerning the purchase and lease of various Hilltop properties, and subject to five edits as discussed by the Board and final approval of Exhibit B to the Amended Conservation Easement, be adopted. (4 Ayes -1 Nay: Robinson) Ryan Vancil said he will write up the five edits and make them available for the minutes. (See attached). David Harrison said he will take them to the BILT Board for approval.

DIRECTOR'S REPORT

Recreation Services Director: John DeMeyer: the winter carnival will be held at the Aquatics Center tomorrow night; a number of park facilities are in the Christmas in the Country arts and crafts tour this weekend; the brochure for winter programs is in the proofing stage; the Recreation Division is ahead by \$140,000 in program fees for 2013.

Park Services Superintendent: Mike Mejia: 1200 runners showed up on Thanksgiving at Battle Point Park to run the Turkey Trot, an annual benefit for Helpline House; blackberries were cleared at the Point White Dock site and replanting is underway; the rain garden at Fay Bainbridge Park is done; the Puget Sound Energy project along Baker Hill Road is scheduled for April with tree trimming done before then; winter pruning is underway at Battle Point Park.

Senior Planner: Perry Barrett: He is tabulating results from the recent public meetings that were held to gain input into the District's Comprehensive Plan update; approximately 50 people attended a third public meeting hosted by the Senior Center on 11/22/13 at the Waterfront Park Community Center; next Tuesday a Wyckoff study report will be presented to the City Council by the Environmental Protection Agency and State Department of Ecology.

Park Services Superintendent: Dan Hamlin: Due to the fourth reading failure of the ICH water system, staff will be coming to the board in the near future to discuss the following possible options for the water at Island Center Hall: 1) Treat the well; 2) Drill a new well; 3) Tie into the City's water system. Trail work has begun on the Veterane site; the Rotary Park renovation project is coming in just under budget; work on the front office of the administrative building will begin next week to create office space for the District's new payroll functions.

UPCOMING MEETINGS & EVENTS: December 6: Park District holiday gathering.

BOARD MEMBER ITEMS:

- Commissioner Cross attended the recent tour of property in the Winslow area and found it helpful to see it.
- Commissioner DeWitt attended a recent Hilltop event sponsored by the Land Trust and said people were very excited about what they saw. Some of the items they would like more of include: signs, maps, parking.
- Commissioner Robinson commended staff for the Grand Forest and Hilltop trails which he recently walked.
- Commissioner Robinson said he and Commissioner Kinney followed up on the last board meeting and met with the Housing Resources Board. They let HRB know that while the project is not a high priority for the Park District, they would like them to stay in touch.
- Commissioner Kinney looked at other potential off leash dog areas with Commissioner Robinson, Dan Hamlin and Terry Lande. These sites included: Hidden Cove Ballfields, Madison Avenue Tot Lot, western area at Strawberry Hill Park, the Lovgren site slated for transfer from the City to the Park District.

- Commissioner Swolgaard heard from his daughter that the prices charged for family swims in Seattle are significantly higher than what the Park District charges here on the island.
- Commissioner Swolgaard asked about the permit applications for Blakely Harbor Park and learned that all the permits submitted for the two phases were submitted and accepted by the City. Whether the permits are granted will be determined at a later date.

MEETING ADJOURNED TO EXECUTIVE SESSION at 9:05 pm for discussion of personnel, with announced time to reconvene at 9:25 pm.

MEETING RECONVENED at 9:25 pm and **ADJOURNED TO EXECUTIVE SESSION** at 9:26 pm for continued discussion of the above items, with announced time to reconvene at 9:55 pm.

MEETING RECONVENED at 9:55 pm.

MSC: DeWitt/Cross: That Executive Director Lande receive a 2% COLA increase and .5% (one half percent) merit pay increase to his base salary for 2014. In addition, Executive Director Lande will receive one additional week for vacation bringing this to a total of five weeks of vacation per year. All procedures for use, carry-over, and accumulation of vacation will be in accordance with the Park District's policy manual. In addition, the Board will establish at Executive Director Lande's request and in lieu of additional salary increases, a budget line item equal to 2.5% of his 2014 annual base salary to be used for staff enhancements such as purchasing equipment, tools, and other items that will assist staff in their ability to provide better services, facilities and programs for the Park District. These expenditures will be made at the discretion of the Executive Director.

MEETING ADJOURNED at 10:00 pm.

Elizabeth R. Shepherd
 Terry M. Lande
 BAINBRIDGE ISLAND METROPOLITAN
 PARK & RECREATION DISTRICT

BY: 
 John Thomas Swolgaard

BY: 
 Jay C. Kinney

BY: 
 Lee Cross

BY: 
 Kenneth R. DeWitt

ATTEST: 
 Kirk B. Robinson

Revisions to Hilltop Documents Adopted by BIMPRD Board 12-5-13

1. Lease Section 25:

In the event BILT decides to sell the Premises, BILT shall notify BIMPRD thereof. If and only if BIMPRD notifies Landlord within fifteen (15) days after BILT's notice that BIMPRD desires to purchase the Premises, BILT and BIMPRD will ~~negotiate in good faith with BIMPRD for up to thirty (30) days for~~ enter a purchase and sale agreement ~~on terms mutually acceptable to both parties~~ for a purchase price of \$1. If a purchase and sale agreement is not executed within such thirty (30) day period the right of first offer shall lapse and BILT will be free to sell the Premises to others on any terms acceptable to BILT. As used in this section, a decision by BILT to sell the Premises shall not include: (i) the granting or creation of any form of lien against all or any portion of the Premises securing a loan or other debt, and the foreclosure (judicially or non-judicially) of such lien, or the recording of a deed-in-lieu of foreclosure of such lien; (ii) the assignment of this Agreement; or (iii) the granting of any easement over, under or across any portion of the Premises.

2. Conservation Easement for Parcels C and D:

Section 5.8 Unauthorized Trail Development. The establishment of any trails other than Approved Trails which prohibition Grantor shall endeavor to comply with by making a good faith effort to dissuade development of unauthorized trails ~~using berms, trail blockage, revegetation, etc.~~

3. Amended and Restated Conservation Easement for Parcels B, C and D:

Section 5.9 Unauthorized Trail Development. The establishment of any trails other than Approved Trails which prohibition Grantor shall endeavor to comply with by making a good faith effort to dissuade development of unauthorized trails ~~using berms, trail blockage, revegetation, etc.~~

4. Amended and Restated Conservation Easement for Parcels B, C and D:

Section 5.3. Specific Uses of the Meadow and Barn Area. The use of the Meadow and Barn Area for ~~an indoor sports complex;~~ construction of ball fields for organized team sports including but not limited to: soccer, baseball, football, and lacrosse fields; ~~or~~ and outside of the building area no paved or concrete sports courts and rinks.

5. See attached Exhibit B for expansion of building area.

