

**BAINBRIDGE ISLAND METROPOLITAN PARK & RECREATION DISTRICT
REGULAR BOARD MEETING SEPTEMBER 6, 2012
STRAWBERRY HILL CENTER**

CALL TO ORDER A quorum being present, the meeting was called to order at 6:00 pm by Chair DeWitt.

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

PUBLIC COMMENTS ON AGENDA ITEMS:

Melanie Keenan, island resident, asked that the record register concerns both she and her husband, Malcolm Gander, have regarding the former Unocal site in Winslow, now called The Waypoint. She said these concerns are a matter of public record with the Department of Ecology and Kitsap Health District, and are also a matter of federal and state laws. She has reviewed the District's records related to these issues as well as the contract agreement under consideration for this evening. She said there is no scientific basis for paragraph 1.4 in the contract. There has not been extensive testing of the site as this paragraph states, and she does not know how anyone can make such sweeping statements or scientific claims with no concern for environmental standpoints. Extensive testing was done in the 1990's but was deemed inadequate and it did not address the entire property which includes a marine portion. She provided a letter from the Department of Ecology dated June 10, 2003 indicating not enough testing has been done on the property to substantiate the claims made in paragraph 1.4. She said the site remains out of compliance with state and federal laws and is listed as a hazardous waste site. She pointed out the liability the Park District is about to take on based on federal and state law. She referenced the Environmental Law Handbook, 20th edition. She read from page 538, Section 4.5.2.1 Category of Liable Parties which indicates that the discharger or operator is the most liable party. She said this is the role the Park District is going to assume under this agreement. Page 543 addresses previously discharged hazardous substances that continue to migrate at site. Because there is no scientific basis for claiming the substances at this site are naturally attenuating or not moving off the site, the Park District as discharger would be liable for whatever happens. A record of rescission in the contract allows portions of or the entire contract to be invalid. If the District goes to court over these issues, she said the contract could be thrown out. She said the Board has a fiduciary responsibility to manage tax dollars and land. The Board's actions with regard to this park and contract do not reflect responsible decisions. She said there are serious conflicts of interest related to this project. The District's attorney Ryan Vancil has a conflict of interest in that his wife is the Mayor and park liaison and voted for this. She said this gives him a lot of work. She said Bruce Weiland, who is involved with the Citizens Task Force that has spearheaded this project, has a conflict of interest in that he is a property owner on an upgradient site that is named in several studies as a potential source of contamination for the The Waypoint property. She asked that this be put on the record and thanked the Commissioners for their time.

Bruce Weiland, asked to speak to the above comments about his property ownership, saying he was a holder of a minority interest in a partnership that owned what used to be the ice cream building and is now the site of the art museum. He sold that property and all his interest in it three to four years ago. He was not sure about the relevance of this, but wanted to clear the record from his end.

BOARD CONSENT

APPROVAL OF MINUTES:

Upon noting that the revisions requested at the last board meeting were made to the minutes of the August 2, 2012 regular board meeting, Chair DeWitt stated the minutes stand approved as corrected.

Upon hearing there were no corrections to the minutes of the August 16, 2012 regular board meeting, Chair DeWitt stated the minutes stand approved as submitted.

Upon hearing there were no corrections to the minutes of the August 23, 2012 board work session, Chair DeWitt stated the minutes stand approved as submitted.

APPROVAL OF PAYMENTS: MSC: Kinney/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:

Batch	Batch Date	Batch Amt	Fund No.	Fund Name	Fund Amt	Pre-Approved
042512B	4/25/12	2,589.29	94952	General	2,589.29	
052312B	5/23/12	2,997.52	94952	General	2,997.52	
082412	8/24/12	40,106.15	94952	General	36,372.64	8/24/12
			94955	Capital Improvemt	1,616.01	8/24/12
			94956	Land Acquisition	2,117.50	8/24/12
082912	8/29/12	1,873.63	94952	General	1,873.63	
083012B	8/30/12	5,245.33	94952	General	5,245.33	
090512	9/5/12	72,619.63	94952	General	29,571.72	8/30/12
			94955	Capital Improvemt	43,047.91	8/30/12

UNFINISHED BUSINESS

PARK DISTRICT/COBI INTERLOCAL AGREEMENT FOR THE WAYPOINT: Chair DeWitt said the interlocal agreement for management of The Waypoint by the Park District was approved last night by the City Council and that there were no appeals through the DOE process. Commissioner Swolgaard asked whether Section 1.4 brought up earlier this evening by Melanie Keenan was a concern. Executive Director Lande said he has discussed this with the District's attorney Ryan Vancil and that from his legal standpoint, this not a concern. Commissioner Kinney said the District did not create any discharge at the site, does not own the land, and will be operating the park under an agreement that contains a hold harmless clause by the owner, the City of Bainbridge Island. He does not see a financial risk to the District in signing the agreement. Board Members noted the District's liability would come into play if the District dug beyond three feet and caused a subsequent release of contamination. Because it is a passive park that will be capped, the likelihood of anything occurring is unlikely. It was further noted by the Board that staff should be aware in maintaining the park, that any digging should be limited to less than three feet. **MSC: Robinson/Kinney: That the interlocal agreement between the City of Bainbridge Island and the Bainbridge Island Metropolitan Park & Recreation District with regard to the management of The Waypoint, be approved.**

JOHN NELSON TRAIL UPDATE: Prior to Senior Planner Perry Barrett's update, Chair DeWitt mentioned that referring to this now as the John Nelson Trail does not mean the trail will be named this. He said John Nelson's heir Stan Lund specifically asked that the trail not be named after his uncle. Executive Director Lande noted the name John Nelson Park is included in documentation related to the property's transfer, but that this doesn't mean the trail has to be given this name. Perry Barrett then reviewed the concept plan saying there is a small change that moves the loop trail slightly to the south across Vineyard Lane. Several questions were asked by the Board concerning the amount of acreage that will be set aside by the owner for the trail, road right of way, and the berm. Staff noted the survey is almost done, with construction likely to start soon subject to coordinating the workload with getting the Hilltop trail underway. The Board asked that the final survey be brought back to them, and also asked that a site visit be scheduled.

OPERATIONAL POLICY FOR SOCIAL MEDIA: Executive Director Lande said this policy along with several other operational policies was brought to the board for approval last July. It was set aside for approval until the Board's request for more information regarding it could be addressed by staff. Recreation Services Director John DeMeyer reviewed the District's use of social media and responded to the Board's questions. The policy outlines criteria for posting comments, and notes that any comments posted become a matter of public record. The District has four Facebook sites, all in the Recreation Department. He said that while staff hasn't seen the traffic they hoped for, they expect there will be more once they are linked to the District's website. **MSC: Swolggard/Cross: That the operational policy for social media be approved.**

DIRECTOR'S REPORT

Recreation Services Director: John DeMeyer: Registration is up 16% from last year with swim lessons up \$8000 from last fall. The new Senior Center Coordinator replacing Jane Allan who is retiring this month will begin September 17. There were 33 candidates for the position; the decision of the hiring committee was unanimous.

Park Services Manager: Mike Mejia: the playground at Madison Avenue Tot Lot is done; the playground at Aaron Tot Lot is underway; the Transmitter Building at Battle Point Park and the caretaker house at Williams-Olson Park are being painted; pruning is underway at the Hilltop house in preparation for it to be painted; a number of parking lots are being striped; a number of permits were recently obtained for trail work and other projects; brush at the Eagledale dog park is being eliminated to expand use of the current area. An archeological review is underway for Fay Bainbridge Park. It is needed to renovate the park's septic system since the project's funding is coming from the State funds that accompanied the State Park transfers, and these funds are overseen by the State department that administers grants and requires the review.

Senior Planner: Perry Barrett: The Parkland Acquisition Committee met last Saturday on September 1 for an executive session on real estate. The State RCO grant application submitted for Rotary Park has been ranked five out of forty-four. The receipt of grant funds will depend on whether the legislature funds this grant family.

Executive Director: Terry Lande: commended Perry Barrett for his work related to the Rotary grant, saying because it was selected to receive full funding the entire project can be done. He and park staff will be attending a meeting with Kathy Cook in the City's Planning Department next week. He along with District recreation staff met recently with BI Youth Soccer Club representatives. The District is a co-sponsor of the environmental conference on September 23 at IslandWood, and he asked the Board if any of them would like to attend and represent the District.

UPCOMING MEETINGS & EVENTS: 9/17/12: IGWG meeting; 9/23/12: Environmental Conference.

BOARD MEMBER ITEMS:

- Commissioner Robinson will be gone for the September 20 board meeting. He attended the City Council meeting last night and commended Commissioner Cross for her comments. He and Commissioner Kinney met with City Council Member Anne Blair in a first joint City/Park District committee meeting to discuss dog issues. Council Members Blossom and Ward are also on the dog committee but were unable to attend. At the meeting, Commissioners Robinson and Kinney presented the key issues: the need for and possible locations for a new dog park; code issues (i.e. inconsistency between City and Park regulations); potential enforcement; dogs at Pritchard Park/Memorial.
- Commissioner Cross distributed copies of City staff recommendations which were made to the City Council last night regarding District concerns over the Shoreline Management Plan. She relayed the comments she made at the City Council meeting, saying she told the City that she appreciated the work/changes that had been done in consideration of the District's requests, and hoped City staff would work with District staff on the

specific wording of the these items in the SMP. She also encouraged the City to look at how the SMP could affect their plans for Waterfront Park, saying they might find that the current designation limits what they will be able to do there. She noted that while several Council Members acknowledged that it is important for the Park District to be involved in drafting the wording, the Council voted to preliminarily approve the staff's recommendations. Executive Director Lande said that from the view of District staff, all the Park District's concerns have been addressed with the exception of Number 6 where the Board requested a change to the "Natural" designation at Blakely Harbor Park. The City staff's recommendation to leave the designation as "Natural" with specified provisions is still a concern in that it is a passive designation that prohibits what can be done at the park. It was noted that the Planning Commission's decision to make the "Natural" designation for Blakely Harbor Park was split and that it was kicked up to the City Council to determine whether any change to the designation should be made. Both District staff and the Board expressed appreciation for the positive tone that has been established between the two agencies and would like this to continue. It was agreed that Chair DeWitt would write a letter to the City Council stating the Board's preference for a "Natural" designation and offering specific language for how the provisions should be worded if the City will not accept a change to the designation.

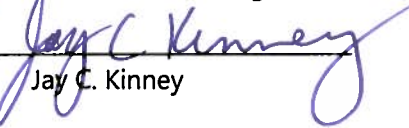
- Commissioner Kinney commented on the meeting with the City/Park District dog committee mentioned above by Commissioner Robinson. He said he will draft up something that will eliminate the ambiguity between the two agency's regulations.
- Commissioner DeWitt attended a ribbon cutting for the archery range at Sportsman Club, and said David Ward (City Council Member and also Sportsman Club Board Member) was interested in seeing if something can be coordinated with the Park District.

MEETING ADJOURNED TO EXECUTIVE SESSION at 7:37 pm for discussion of real estate and potential litigation, with announced time to reconvene at 8:30 pm. **MEETING RECONVENED** at 8:30 pm and **ADJOURNED** at 8:33 pm.

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

BY: 
Kenneth R. DeWitt

BY: 
John Thomas Swolgaard

BY: 
Jay C. Kinney

BY: _____
Kirk B. Robinson

ATTEST: 
Lee Cross