

**BAINBRIDGE ISLAND METROPOLITAN PARK & RECREATION DISTRICT
REGULAR BOARD MEETING OCTOBER 3, 2013
STRAWBERRY HILL CENTER**

5:30 PM: EXECUTIVE SESSION: Real Estate and Potential Litigation

CALL TO ORDER A quorum being present, the meeting was called to order at 6:02 pm by Chair Swolgaard.

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

ADJUSTMENTS TO AGENDA: Add executive session to end of meeting for real estate and potential litigation.

PUBLIC COMMENTS ON AGENDA ITEMS:

Tom Golen, island resident who lives on the sand spit by Fay Bainbridge Park, thanked the Park District for doing a great job with the former state park. In regards to the eel grass brought up at the last board meeting by Maradel Gale and Robert Dashiell, he said there is a bigger issue they did not address. The lagoon used to have lots of eel grass in it that is no longer there due to silt that is being washed into the lagoon through a culvert; originally the stream went out to the sound alongside the old boat launch. He said a catch basin is needed to catch the silt so it can then be pumped out. He also suggested using volunteers to teach people how to clam correctly. If there is a ban on clamming in parks, he said people will just go down the tidelands onto the property of the neighbors. Executive Director Lande said the District is researching what it means to be a marine reserve, and in the meantime is considering a prohibition of clamming at Fay Bainbridge Park. It is District's hope that this would head people off before they ever arrive on the island to clam. He suggested staff meet with Tom Golen at the park to see what the issue is with the culvert. Any work on this would have to be done in conjunction with the City.

BOARD CONSENT

APPROVAL OF MINUTES:

Upon making the following revisions to the minutes of the September 19, 2013 regular board meeting, Chair Swolgaard stated the minutes stand approved as corrected: p. 2: Change "he would like no more of the current functional bike racks to be removed" to "he would like to see that none of the current functional bike racks (inverted U) to be removed".

APPROVAL OF PAYMENTS: MSC: Cross/DeWitt: 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
091713	9/17/13	59,128.70	94952	General	47,297.97	9/13/13
			94955	Capital Improvemt	11,830.73	
100113	10/1/13	82,371.70	94952	General	65,890.95	9/30/13
			94955	Capital Improvemt	16,480.75	
		Payroll	94952	General	293,035.28	

UNFINISHED BUSINESS

BAINBRIDGE COMMUNITY FOUNDATION AGREEMENT REGARDING THE WAYPOINT: Executive Director Terry Lande said that following the completion of The Waypoint site this past year, the Rotary Club of BI had approximately

\$52,000 left in funds that had been raised for the project. The Rotary Club wants the funds set aside for improvements to The Waypoint that would be carried out by the Park District, but does not have the mechanism for holding funds. Given this, the Rotary Club would like to turn the excess funds over to the Bainbridge Community Foundation which has the capacity for holding funds. When the Park District requests funds to do improvements to the site, the Bainbridge Community Foundation will transfer the amount needed to do the work to the Bainbridge Island Parks Foundation which will then release the funds to the Park District. Accounting and tax stipulations require the Bainbridge Community Foundation to turn the funds over to a non-profit organization as opposed to giving the funds directly to the Park District. The Bainbridge Parks Foundation does not want to be the recipient of the full \$50,000 from the Rotary Club because it doesn't want to hold funds for a long period of time. The four party agreement before the Board this evening specifies what the funds can be used for and the process of releasing them to the Park District. Commissioner Robinson asked if the Bainbridge Island Parks Foundation was willing to serve in this capacity, and staff informed him that while the Parks Foundation has expressed support of this, nothing has been finalized.

MSC: Robinson/Cross: That Executive Director Lande be authorized to sign the agreement on behalf of the Park District once it has been cleared with the Bainbridge Island Parks Foundation that they are willing to act as an intermediary in the process.

MORATORIUM ON CLAM DIGGING AT FAY BAINBRIDGE PARK: After the last board meeting, Executive Director Lande said Commissioner DeWitt approached him regarding protection of the tidelands at Fay Bainbridge Park in the interim period while staff is researching how to best accomplish this. Commissioner DeWitt would like something that states it is against park rules to dig claims until this has been settled. Executive Director Lande said staff met recently with a tribal representative to discuss the impact of this on the Tribe. Several concerns were raised that will need more discussion. Executive Director Lande said staff is also making arrangements to meet in Seattle and Edmonds to discuss marine reserve designation in those areas. Commissioner Kinney agreed that something is needed now and suggested adopting a park rule that prohibits shellfish digging and disturbance of the eel grass beds. Commissioner DeWitt suggested an interim policy to accomplish this and cited specific clauses from a Seattle rule on marine reserves that he was willing to incorporate into a formal motion for the board to approve. Commissioner Cross said that while she supports this effort, she would like to see a motion in writing and have time to think about it, especially in regards to how such an interim policy would be enforced. Commissioner Kinney said he did not see the need to approach this on an interim basis, saying whatever was agreed to could always be changed later. Commissioner DeWitt emphasized the need to keep this as an interim policy saying the issue needs to be approached in a comprehensive manner and that eventually a public hearing will be needed, especially if the District is going to consider designating the beach at Fay Bainbridge Park as a marine reserve. Executive Director Lande said what staff needs is the ability to put up signs at low tide that say "no clamming". He agreed with Commissioner Kinney that this does not need to be an interim rule since it can be changed later. On another note, Commissioner Robinson noted Fay Bainbridge Park provides an avenue to the tidelands and that if "no clamming" signs are posted on Park District property, people would likely move on down the beach to dig clams on the neighboring properties. He was aware that the park facilitates access to private beaches and that this is likely something the District will hear about from concerned park neighbors. Commissioner Robinson also brought up the question of enforcement. Executive Director Lande said if someone is violating the park's rule and digging for clams when asked to stop, the District should be able to contact the police and ask them to arrest that person for trespassing. Executive Director Lande asked that any written motion on this issue be run by the Tribe before it goes to the Board for approval so the District is aware of any tribal jurisdiction over the park's tidelands and the subsequent need to exclude the Tribe from any of the motion's provisions. Chair Swolgaard summarized the Board's next steps on this issue, saying it will be postponed until the next board meeting. In the meantime, Commissioner DeWitt agreed to prepare a written motion to bring back to the Board.

DIRECTOR'S REPORT

Park Services Superintendent: Mike Mejia: The stairs at Rockaway Beach are complete; the bird blinds at Fort Ward Park are going to be re-built and moved back from the edge of the bluff.

Park Services Superintendent: Dan Hamlin: The Rotary Park project has slowed down due to rain; drainage at Rotary Park has been working very well; the trails were hit hard by the recent storm and clean-up is underway; the Blakely Harbor Park trails on the north side are almost done and work will move next to the south jetty trails; a slight failure in water readings at Battle Point Park is being addressed and the most recent test has passed; there are issues with the water at Island Center Hall that are being assessed.

Aquatics Center Manager: Mark Benishek: The pump for the water slide came this week and is now in place. They plan to finish up with the fittings tomorrow and have the slide up and running for the weekend.

Executive Director: Terry Lande: The annual NRPA conference is occurring next week in Texas; he will be attending along with four staff members.

Senior Planner: Perry Barrett: Permitting work is underway for Blakely Harbor Park permits. The Housing Resources Board has asked if the Park District would be interested in taking on the Ferncliff trail and tot lot. He confirmed with the Board that the District helped build the trail but is not interested in being involved beyond this initial effort. It was mentioned that the trail easement is owned by the City and the tot lot which is not public is the responsibility of the homeowner's group.

UPCOMING MEETINGS & EVENTS: Three public meetings to gain public input into updating the Park District's comprehensive plan will be held in October and November. Discussed dates were: 10/28, 11/4, 11/12.

BOARD MEMBER ITEMS:

- Commissioner Cross asked the Board to support Sustainable Bainbridge as they apply for a low power FM radio license that would result in island wide radio broadcasting. This would be of special benefit to the island during emergencies when information and notices need to be circulated, but a number of other possibilities exist as well. If everyone is in agreement, she suggested that staff draft a letter in support of this to bring to the Board for approval at the next board meeting. The other Commissioners and Executive Director Lande agreed to this.
- Commissioner DeWitt said he's asked staff to contact the various political campaigns to remind them that the Park District has a policy against posting signs on park properties or right of ways adjacent to park properties.
- Commissioner Robinson said he attended the City's October 2 public hearing on the Vincent Road site proposed by the Park District for a dog park. The City was required to solicit public comment on the site's general use prior to determining a specific use for the site. Commissioner Robinson said the meeting had a large turn-out and went well. No one who came proposed another use for the site. Several people had questions regarding the site's use as a dog park given it was a former hazardous waste site. COBI planning staff will prepare a report for the City Council in the next few weeks with their recommendation for the site. If the City Council decides to move forward with a dog park at the Vincent Road site, the Park District will hold its own public meeting to gain input on the dog park's design.
- Commissioner Kinney and Executive Director Lande commended Commissioner Robinson for his participation in fielding questions that came up at the City's public hearing on the Vincent Road site. Commissioner Kinney said he was pleased with the overall response of people at the meeting which indicated significant support of the Vincent Road site for a dog park.

- Commissioner Kinney commented on the October 2 City Council meeting that was held after the public meeting on the Vincent Road site. The agenda for the evening included a discussion of the City ordinance related to dogs. Both he and Commissioner Robinson attended and were generally pleased with the wording proposed in the code revisions. The ordinance would be amended to say dogs at schools and in Park District parks must be on leash unless they're in a recognized off leash area. Commissioner Kinney said a few items needing clarification will be addressed at a meeting of the dog committee next week, but that the general consensus among the City Council was to approve the amendment to the ordinance.

WRITTEN COMMUNICATIONS

Executive Director Lande mentioned an invitation extended to the Park District to attend a premiere showing of the film, "The Geological Formation of Bainbridge Island Part One".

MEETING ADJOURNED TO A 2014 BUDGET WORK SESSION at 6:54

FOLLOWING BUDGET WORK SESSION, MEETING RECONVENED at 8:45 pm.

MEETING ADJOURNED TO EXECUTIVE SESSION at 8:47 pm for discussion of real estate and potential litigation, with announced time to reconvene at 9:55 pm.

MEETING RECONVENED at 9:55 pm and **ADJOURNED** at 9:56 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