

**BAINBRIDGE ISLAND METROPOLITAN PARK & RECREATION DISTRICT  
REGULAR BOARD MEETING DECEMBER 18, 2014  
STRAWBERRY HILL CENTER**

**6:00 PM: EXECUTIVE SESSION** (for real estate)

**CALL TO ORDER** A quorum being present, the meeting was called to order at 6:38 pm by Chair Kinney.

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

**ADJUSTMENTS TO AGENDA:** Add to Unfinished Business: Manzanita Park & Marijuana Retail Store. Add to General Business: Resolution 2014-31 Revised Sakai Property Bond Measure.

**BOARD CONSENT**

**APPROVAL OF MINUTES:** Upon hearing there were no corrections to the minutes of the December 3, 2014 regular board meeting, Chair Kinney stated the minutes stand approved as submitted.

**APPROVAL OF PAYMENTS: MSC: Robinson/Cross: 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:**

<b>Batch No.</b>	<b>Batch Date</b>	<b>Batch Amt</b>	<b>Fund No.</b>	<b>Fund Name</b>	<b>Fund Amt</b>	<b>Pre-Approved</b>
120914	12/09/14	198,953.05	001	General	192,899.90	
			300	Capital	6,053.15	
121514	12/15/14	48,615.17	001	General	47,549.24	
			300	Capital	1,065.93	
122314	11/23/14	134,756.35	001	General	61,699.99	
			300	Capital	73,056.36	

**UNFINISHED BUSINESS**

**SAKAI AGREEMENT:** The Park District's attorney, Ryan Vancil noted that the agreement before the board this evening is the supplemental agreement included as a contingency in the purchase and sale agreement approved several weeks ago for the Sakai property. It concerns reserving a portion of the property for a family member. Often this is handled through setting up a life estate which allows a person use of property throughout their lifetime without retaining ownership. In this instance, the family member wants to maintain ownership as a way to stay connected to the land, his family, and his Japanese American heritage. He recalls a time when Japanese Americans could not own property and it is significant to him to own that portion of the Sakai property he will be utilizing throughout his lifetime. The property reserved for his use in this transaction is approximately one acre, and as with a life estate it will transfer to the Park District upon his passing. **MSC: DeWitt/Cross: That the Reserved Property Agreement (Supplemental Agreement to Real Estate Purchase and Sale Agreement dated December 3, 2014) related to the Sakai property between Paul Dean Sakai and the BI Metropolitan Park & Recreation District be approved, and that the Executive Director be authorized to sign.** Ryan Vancil went on to discuss an amendment that is needed to the December 3, 2014 purchase and sale agreement, saying that at the time the appraisal was done, the size of the reserved property was factored in as smaller than what has since been learned City code requires it to be considering there is a septic system on the lot. An amended purchase and sale agreement is needed to reflect the increase in the reserved property's lot size to the required acre. Because the amount of land the Park District is purchasing has been

reduced, the purchase price must also be reduced. This will result in a change in price from \$5,890,000 to \$5,670,000. **MSC: Cross/Swolgaard: That the amended purchase and sale agreement for the Sakai property reflecting the new purchase price of \$5,670,000 be approved, and that the Executive Director be authorized to sign.** As a result of this change to the purchase price, there are savings that the Park Board wants to pass onto the taxpayers. Consequently, the amount for the bond measure will drop from \$6.2 million to \$5.9 million, and a new resolution for the bond measure must be adopted to supersede the earlier resolution the Board adopted on November 20, 2014. The revised resolution will be adopted under General Business.

**BLAKELY HARBOR PARK PROJECTS UPDATE:** Park Services Superintendent Dan Hamlin updated the Board on Phase I of the Blakely Harbor Park projects, saying extensive vegetation has been removed with the channel opened up and the new bridge at the culvert along 3-T Road now in place. Next steps involve more vegetation removal, much of it by hand, and restoration of the salt marsh. Senior Planner Perry Barrett said he'd been asked by the Board last fall to secure permits for upcoming project phases involving bridges at Mac's Dam and the jetties under the then current Shoreline Management Plan. In May of 2014, permits were approved under the previous City SMP, but amendments will be needed now that the City's updated SMP has been adopted. Several co-consultation sessions have been held with the parties involved with or affected by the bridge projects. Representatives from the Suquamish Tribe, WA State Department of Fish & Wildlife, project donors, Jones & Jones landscape architects and the Park District have all attended these meetings to share concerns and expectations about the project. The Tribe has indicated a willingness to move forward with the jetty bridge design that will be presented this evening, provided there is mitigation and a formal agreement in place. (This is subject to formal Tribal Council approval). In regards to the Mac's Dam Bridge, Johnpaul Jones with Jones & Jones landscape architects said the Tribe prefers a trail within the park that will cross the creek closer to the road. Johnpaul Jones then presented the three following design options that have come out of these meetings for the jetty bridge: 1) Do nothing; 2) Bridge the two jetties; 3) Take out one of the jetties and enlarge the bridge. Because the third option requires scientific research and funds that are not currently in hand, Option 3 is viewed as one that might be feasible for the future but is not viable at this time. Johnpaul Jones noted Option 2 is the preferred option, but with a bridge design that could one day could be modified to accommodate Option 3. He defined this as a temporary bridge with a permanent crossing, saying the design of this bridge is such that it could be unbolted and extended if ever in the future there was an effort to open the jetties. The proposed bridge for Option 2 is 60' long with a slight arch. He has been observing the recent king tides, and is confident this design will withstand raised water levels since it includes a grid that will allow water to pass through it. After having the opportunity to provide input, the Board thanked Johnpaul Jones for his work, and made the following motion to move forward with the presented jetty bridge design. **MSC: DeWitt/Cross: To approve the pursuit of a permanent jetty crossing at Blakely Harbor park with an approximate 60' long temporary bridge that could be modified in the future as science is developed and funds permit.**

**TRAIL EASEMENTS CONNECTIONS FROM EAGLEDALE PARK TO BLAKELY CEMETARY:** Senior Planner Perry Barrett reviewed recent efforts regarding the acquisition of trail easements three property owners are willing to donate to the Park District. These three easements, along with one that remains to be negotiated on a separate piece of property, will result in trail linkage between Eagledale Park and Old Mill Road. He commended Barb Trafton, Executive Director of the BI Parks Foundation, for her work with the Park District on this. In response to a Board question, Barb Trafton indicated that the fourth property owner is receptive to negotiating an easement but wants to discuss this after the first of the year. It was noted that the District's attorney Ryan Vancil has reviewed the trail easement agreements that are before the Board this evening for approval. **MSC: Swolgaard/Cross: To accept the following Trail Easement Agreements and authorize the Executive Director to sign: 1) Romerkoff Farms; 2) Kramer, 3) Reardon.**

**AQUATICS CENTER BOILER OPTION:** Aquatics Administrator Mark Benishek reviewed a timeline of events related to the relatively new boiler at the Nakata pool which broke down in February 2014 due to what has been determined to be a manufacturer's defect. In order to keep the pool operating, the Board approved back in February the use of reserve funds to replace the defective boiler with a new boiler. In March 2014, the District filed an insurance and warranty claim. It has recently been learned that as of the end of 2014, the District will be fully reimbursed by insurance funds for the costs it incurred when replacing the defective boiler. The total amount anticipated is \$54,195.70. While these funds will go back to replenish the reserve account, Mark Benishek asked the Board to consider reallocating a portion of them to rebuild the defective boiler. He said the rebuilt boiler could then be used to replace the two costly and inefficient boilers currently used at the Ray Williamson pool and slated for replacement in 2016. He anticipated that it will cost up to \$45,000 to rebuild the defective boiler, and that moving forward with this plan will result in significant cost savings to the District since the two current boilers at the Williamson pool are so inefficient. In addition, this will free up \$50,000 in the 2016 Capital Improvement Fund Budget since the funds allocated for a new boiler will no longer be needed. As a precautionary measure, the newer of the two boilers used currently at the Ray Williamson pool will be kept as a backup. **MSC: Swolgaard/DeWitt: That the defective boiler repair and installation be approved with costs not to exceed \$45,000.**

**OPEN GOVERNMENT TRAINING:** Administrative Manager Elizabeth Shepherd said effective July 1, 2014, the WA State Legislature enacted the 2014 Open Government Trainings Act. This was done in part because of the large financial penalties that have been issued public agencies due to non-compliance with the Public Records Act. Many of the lawsuits related to these penalties were the result of insufficient training for public officials and their lack of knowledge about the State's legal requirements related to records and open government. The new Open Government Trainings Act requires members of governing bodies for public agencies to receive training on public records and open public meetings. She then outlined four training sessions developed by WA State Archives and the Attorney General's office that will be conducted as part of next year's regular Park District board meetings.

**MANZANITA PARK AND MARIJUANA RETAIL STORE:** The District's attorney Ryan Vancil informed the Board that there is an application for a marijuana retail store to be located at 7880 Day Road. He said the City is recommending disapproval of this location since it will not meet the required 1000' setback from a park, specifically Manzanita Park. The WA State Liquor Control Board in reviewing these applications has at some point made the determination that equestrian parks are not parks and is allowing applicants to go forward in these areas without enforcing the 1000' setback requirements. The City is taking a firm line in maintaining the stance that this is a park. The City's attorney has pointed out to the State that there are other locations within the Day Road Industrial Park that are available for marijuana retail use that meet the setback requirements. Ryan Vancil thought this should come to the attention of the Board since the District has many parks that consist primarily of trails, and that if this application is approved without the 1000' setback for Manzanita Park, this could set a precedent for other parks. The Board said Manzanita Park was never intended for equestrian use only and expressed concerns over the larger issues this raises. The Commissioners agreed that a letter written by the Park Board in support of the City's request of the State to deny the application would strengthen the City's position. **MSC: Robinson/Cross: To direct staff to draft a letter to the City or State as necessary to illuminate the powers to be on the uses of Manzanita Park as a public park that is not solely for equestrian use, and that Manzanita Park should therefore be considered a park in which the 1000' buffer zone applies, and that this letter should be prepared for the Board Chair to sign.**

#### **GENERAL BUSINESS**

**RESOLUTION 2014-28: UPDATE OF CLAIM AGENT RESOLUTION:** Administrative Manager Elizabeth Shepherd said that as required by State law, public agencies must appoint a claims agent and specify a location where members of

the public may direct claims for damages. This resolution will update the Park District's current resolution on file with Kitsap County by providing the District's new mailing address. Updating the resolution will also ensure that it is filed under the correct name of the Park District. It is currently filed under a name that does not allow it to be easily located. **MSC: Robinson/Cross: That Resolution 2014-28, updating the resolution on file with Kitsap County regarding claims for damages, be adopted.**

**RESOLUTION 2014-29: PETTY CASH:** This resolution eliminates a petty cash and change fund no longer needed by the Special Events Cultural Arts Department. **MSC: Robinson/Cross: That Resolution 2014-29, revising the number of the District's petty cash funds, be adopted.**

**RESOLUTION 2014-30: INTERFUND LOAN (CANCELLED):** Executive Director Terry Lande said this resolution for an interfund loan is no longer needed since the anticipated funds came in before the end of the year.

**RESOLUTION 2014-31: REVISED SAKAI PROPERTY PURCHASE BOND:** This resolution reflects the change in purchase price for the Sakai property that was discussed under Unfinished Business earlier this evening. Because the purchase price for the property has dropped, the amount of the bond measure will also drop resulting in taxpayer savings. This resolution will lower the bond measure amount to \$5.9 million, and will supersede Resolution 2014-26, adopted on November 20, 2014 specifying a bond measure amount of \$6.2 million. **MSC: Swolgaard/Cross: That Resolution 2014-31, authorizing the District to issue general obligation bonds in the amount of \$5,900,000 for the purchase of the Sakai property, subject to voter approval in a February 10, 2015 special election, be adopted, and that this Resolution 2014-31 will repeal, replace, and supersede Resolution 2014-26 adopted on November 20, 2014.**

#### **DIRECTOR'S REPORT**

Park Services Superintendent: Dan Hamlin: met with Little League today who gave the District \$100,000 of the funds Little League has committed to the Rotary Park ballfield renovation; purchased new trees for T'Chookwap Park and Island Center Hall; the creosote logs at Hawley Cove Park have been removed by the City; the new furnace has been installed at Strawberry Hill Park.

Park Services Superintendent: Mike Mejia: is continuing to work on acquiring funds for a cabin at Fay Bainbridge Park; hazardous paints and other material no longer needed have been removed from facilities; funds set aside for safety in the Park Services budget have been used to conduct hearing tests for staff and purchase safety equipment such as a device to test air quality, a lift hoist, and several automated external defibrillators (AED).

Senior Planner: Perry Barrett: met with the BI Land Trust recently regarding Gazzam; an expert review of the Wyckoff remedies for the Superfund site at Pritchard Park will be held at the end of January.

Aquatics Administrator: Mark Benishek: Aquatics Program Manager Megan Pleli did a great job of setting up the holiday carnival which was attended by over 130 kids.

Executive Director: Terry Lande: the transfer of Red Pine Park to the Park District has been completed; the COBI Lumpkin and Blossom/Gazzam property transfers to the Park District are now complete; he commended the District's attorney Ryan Vancil for the way he has handled the Sakai property transaction; as part of the upcoming fiftieth anniversary celebrations a social gathering at Island Center Hall has been scheduled for all prior board members, directors, and staff on February 27.

**UPCOMING MEETINGS & EVENTS:** January board meetings: 1/8 and 1/22 (2nd and 4th Thursdays due to the New Year's Day holiday). February 27: gathering for prior park board members, directors and staff. May 25: Park District 50th birthday (official day). August 29: 50th Birthday Bash.

**BOARD MEMBER ITEMS**

- Commissioner Cross has been working with the Sakai property bond measure's campaign committee and outlined efforts the committee is undertaking to increase the community's understanding of this issue.
- Commissioner Cross attended a recent BI Parks Foundation meeting and said funds were discussed for the Hidden Cove Dock. She noted the foundation is in a transition as it moves towards more active fundraising for larger projects.
- Commissioner Swolgaard spoke recently with the Blossoms and said they continue to express interest in the Hilltop Vista trail.

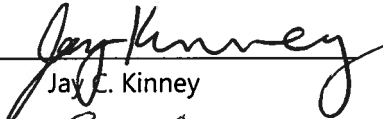
**MEETING ADJOURNED TO EXECUTIVE SESSION** at 8:35 pm for discussion of personnel and real estate, with announced time to reconvene at 8:50 pm.


**MEETING RECONVENED** at 8:50 pm and **ADJOURNED TO EXECUTIVE SESSION** at 8:51 pm for continued discussion of the above items, with announced time to reconvene at 9:15 pm. **MEETING RECONVENED** at 9:15 pm.


**MSC: DeWitt/Swolgaard: that Executive Director Terry Lande be awarded a 3% cost of living increase effective January 1, 2015 and that the Personnel Committee continue to meet with him regarding a potential merit increase.**


**MEETING ADJOURNED** at 9:20 pm.

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

BY:   
Jay C. Kinney

BY:   
Lee Cross

BY:   
Kirk B. Robinson

BY:   
John Thomas Swolgaard

ATTEST:   
Kenneth R. DeWitt