

**BAINBRIDGE ISLAND METROPOLITAN PARK & RECREATION DISTRICT
REGULAR BOARD MEETING JANUARY 21, 2021
ZOOM VIRTUAL MEETING**

CALL TO ORDER A quorum being present, the meeting was called to order at 6:01 pm by Chair Janow.

BOARD MEMBERS PRESENT: Kristine Cox, Ken DeWitt, Dawn Janow, Jay Kinney, Tom Swolgaard.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Jane Stone, Executive Director for the Bainbridge Island Land Trust, thanked the board for their support on behalf of the Friends of Ted Olson and reported that the fundraising for the two additional parcels to be incorporated into the Ted Olson Nature Preserve has been completed with a gift from an anonymous donor.

BOARD CONSENT

APPROVAL OF MINUTES:

Upon making the following revisions to the minutes of the January 7, 2021 regular board meeting, Chair Janow stated the minutes stand approved as corrected: On page one under Kitsap Public Utility District Gazzam Lake Nature Preserve change the eighth sentence to read "5,000 square feet" rather than "5,000 feet."

GENERAL BUSINESS

AGREEMENT WITH BAINBRIDGE ISLAND LAND TRUST FOR ROCKAWAY BLUFF PRESERVE: Senior Planner Perry Barrett introduced Bainbridge Island Land Trust Executive Director Jane Stone who said that also in attendance tonight are Land Trust board President and Projects Committee co-Chair Ed Gilbert as well as board member and Stewardship Committee co-Chair Greg Geehan. Perry Barrett said the proposed funding agreement before the commissioners tonight is for the Park District's \$500,000 commitment to the Land Trust's acquisition of the Rockaway Bluff Preserve. Phase one of the acquisition closed December 23, 2020 for 18.48 acres. Phase two of the acquisition consists of 16.60 acres and is anticipated to close in July of 2021. In the funding agreement it is specified that there will be a payment from the Park District to the Land Trust in 2021 of \$325,000 on or before June 30, 2021 and a second payment of \$175,000 on or before January 31, 2022. Funding will be held in escrow and is subject to a transfer and management agreement which is anticipated to be in place by June 30, 2021. If the transfer and management agreement, which would transfer the property to Park District ownership, does not come to fruition the funding agreement terminates two years after the second phase closes and the funding is returned to the Park District. Commissioner Janow asked if the public or the Park District will be able to access phase one at this point or if access will not be allowed until completion of the acquisition of phase two. Jane Stone said that because well controlled and planned access will not be in place, access will only be allowed for scheduled tours until completion of the entire purchase per an agreement with the current land owner; she offered to give tours to any commissioners or staff who are interested. Commissioner Janow asked if there is any parking planned for the property at this point. Perry Barrett said those details will be worked out in the transfer and management agreement. Jane Stone said that the Land Trust does envision a parking lot on the property to handle public access. Commissioner Swolgaard asked for verification that the sliver of property indicated on the map is on the other side of Rockaway Beach Road from the rest of the phase one property. Jane Stone confirmed that and added that the sliver of property has been landscaped by neighboring landowners. Conversations will need to be started with neighboring landowners and the Park District to resolve encroachments there as well as encroachments on the north boundary. Commissioner DeWitt commented that there are driveways going through the sliver of property and said it will be important to investigate the legality of the landowner's

driveways. Perry Barrett said that is an item that will be addressed in the transfer and management agreement. **MSC: DeWitt/Kinney: Approve the agreement with the Land Trust for the purchase of the Rockaway Bluff Preserve.**

MADISON/WYATT DEVELOPMENT: Regarding the development happening around the Madison Tot Lot, Executive Director Terry Lande said that there is no change to the Park District's parcel however there is a change in how the tot lot will be accessed. Currently there is a one-way loop access road, the development will change the entrance to one two-way access road with adjacent pedestrian access. There will also be a pedestrian walkway to the tot lot from the corner of Madison Avenue and Wyatt Way. There will still be two parking spots at the tot lot. Terry Lande said the development will be going to the planning commission for a second look and this agenda item is to make sure the board is aware of what is going on around the park. There will be a standard Park District park sign on Madison Avenue for the tot lot and signage for the parking spots. Commissioner Janow asked about placing signage on the pedestrian walkway from the corner of Madison Avenue and Wyatt Way. Terry Lande said the Park District can discuss placing signage on that walkway with the City of Bainbridge Island. Commissioner Swolgaard asked about the access easement agreement and if it will have to be redone with the developer. Terry Lande said staff will investigate the language of the access easement agreement. Commissioner DeWitt mentioned that people also access the tot lot via a north/south trail on the east side of the park that begins at Wyatt Way and goes up along Island Homestead Apartments. Commissioner Janow said that if there is signage and access that it is acceptable and that the access agreement should be investigated. Commissioner Swolgaard said that the Madison Tot Lot was never intended to be a destination park but rather a neighborhood park that people can walk to.

COVID-19 LEAVE UPDATE: Administrative Division Director Amy Swenson said last year the board approved three weeks of COVID-19 leave for all full-time and regular part-time employees. Leadership staff is requesting that due to the availability of state and federal programs that the board allow the COVID-19 leave to expire while giving the Executive Director, with input from the division directors, the ability to take action to provide for any employee who does not qualify for the available programs. As a part of the Washington State Shared Work Program the Park District can furlough or partially furlough employees while keeping their accruals going and keeping them on insurance. Through the CARES Act employees can access extended unemployment. Employees who contract COVID-19 or who need to take care of someone who contracts COVID-19 are eligible to apply for coverage through the Washington State Family and Medical Leave Act. A lot of employees have sick and vacation leave accruals that could be used if needed for COVID-19 related leave time. Leadership staff tries to assign employees to work in other departments if work in their department is not enough to fulfill their hours. The Park District must be careful about paying people for not working, as that would be a gift of public funds. The Park District can offer benefits, but it needs to be done with thoughtfulness. The Executive Director would inform the board if any supplemental action had to be taken. The Park District does grant generous vacation and sick leave for full-time and regular part-time employees and has a program through which employees can donate leave to fellow employees. Executive Director Terry Lande said that while leadership staff believes most situations will be covered by existing programs or paid leave already in place, the ability to take supplemental action as needed will give employees peace of mind. The reason that leadership staff is asking for the power to be with the Executive Director with input from division directors is so that all divisions are treated in a similar manner. Commissioner Kinney said that if there are no specific parameters in place ahead of time it could look like the decision was ad hoc and he would prefer to have a protocol in place. He suggested a shared leave bank that would be granted by the board for employees who do not qualify for one of the state or federal programs. Commissioner DeWitt said a formal policy is needed. Terry Lande suggested that if the shared leave bank was to be depleted that staff would come back to the board to request additional hours. Commissioner Kinney recommended designating 200 hours in a shared leave bank and creating a policy that would outline what would trigger access

including what options would have to be exhausted before the shared leave bank could be accessed. Amy Swenson said the first option would be furlough through the Shared Work Program or unemployment through the CARES Act, second would be the Family and Medical Leave Act and the last option would be the shared leave bank. Commissioner Janow asked what the differences are between what is being proposed and the original COVID-19 leave granted by the board. Amy Swenson said that when the pandemic began it was an unknown scenario and that auditors took a very relaxed view of what was done to help employees. While benefits can and are expected to be provided, the Park District must be careful about not making a gift of public funds. Leadership staff is trying to balance helping employees while not overstepping into a situation where taxpayers could be unhappy. Commissioner Kinney asked if the shared leave bank could be tied to sick leave; an employee's first option would be to use the state and federal programs, second use their own sick leave and then the last option would be the shared leave bank. Commissioner DeWitt said he is reluctant to vote to approve without having a fleshed-out policy. Commissioner Kinney said something should be done to bridge the next two weeks while a policy is developed for board review. Amy Swenson said she would work on a policy for discussion at the next board meeting on February 4. **MSC: Kinney/DeWitt: Extend current COVID-19 leave policy until February 4, 2021.** Commissioner Kinney asked if a board member or two should be involved in development of the policy and Commissioner Swolgaard recommended that Commissioner Kinney be involved. Commissioner Kinney agreed to assist Amy Swenson in developing the policy.

DIRECTOR'S REPORT

Recreation Division: Recreation Division Director Mark Benishek said many recreation programs relaunched this week for the winter season. The School District's reintroduction of both in-person learning and high school sports has caused delay and necessitated rescheduling of Park District programs, as staff has had to make some major adjustments. Aquatic Center staff is excited to be bringing on a new employee. Bainbridge Island Swim Club is in the process of scheduling a time trial, which will not displace any other teams or user groups. An additional water fitness class will be launched in February due to increasing demand for the program. There are many new participants registered for socially distant swim lessons this season and staff is pleased to see that more people are feeling comfortable returning to the Aquatic Center. Active Adult Program Manager Sue Barrington launched some in-person programs including one where five of the six participants had already received one if not two of their COVID-19 vaccinations. Community Outreach Coordinator Emily Swift organized the Park District's Martin Luther King Jr Day event, which was embraced by the community. Adjustments to the summer drive-in movie events are being explored including a possible partnership with the library. Preliminary work is being done in case restrictions are relaxed enough to allow for the concert series to return this summer. Marketing Coordinator Allie Smith has been busy assisting with updating the website, social media, and the electronic catalog with all the recent changes to recreation programming. Recreation Superintendent Bryan Garoutte said the Teen Center will be reopening on February 1. Youth & Teen Program Manager Shannon Buxton is having updates done on all the eSports gaming computers. Eagledale Pottery Studio students are grateful to be back in the studio and a new homeschool pottery program is underway. Sports Program Manager Julie Miller's Monday through Friday walking classes all have strong enrollment numbers. Youth pickleball programs were moved from Ordway Elementary School to Strawberry Hill Park. Tennis and pickleball courts will soon be able to be reserved by the public. Gymnastics classes started this week and staff is looking to create additional opportunities for people who were placed on waiting lists. Gymnastics teams have returned to practicing in the gym. Outdoor Program Manager Nick Prevo is offering nighttime mountain bike programs. Gear Grinders will be working with the Park District this summer to offer classes. Permits for outdoor program use of the Olympic National Park have been received. A level one sailing certification class for staff will be completed soon in preparation for spring and summer programming. Commissioner Janow asked how the tennis and pickleball court

reservation system will work and how the public will be made aware of reservations. Bryan Garoutte said there will always be courts open for drop-in play for the public. People with reservations will have a receipt they can show to drop-in players and a calendar will be posted at the site to inform the public of reservations. Executive Director Terry Lande added that there is a fee for reserving the tennis and pickleball courts.

Park Services Division: Park Services Division Director Dan Hamlin said that staff has been busy with storm cleanup including dealing with trees across trails and mitigating erosion. The Battle Point Park north pond's outfall has failed due to the heavy rain and the amount of storm water runoff. Staff is working with the Washington State Department of Ecology, an engineer was on site today and staff will begin to remedy the situation as soon as possible. The pond is currently holding about 20% of the usual amount of water and water is still draining. No property downstream was negatively affected by the outfall failure. The front half of the maintenance shop roof repair project has been completed. January's Trails Advisory Committee meeting has been moved to Monday, January 25. Cougar sightings on the island have generated a lot of public interest. Dan Hamlin attended a meeting with local seniors to inform them on what the Park District is doing in response to the cougar sightings, general guidelines for sharing the trails with wildlife and what one should do if they see a cougar. Senior Planner Perry Barrett said that tomorrow the Park District will have the shoreline exemption permit for building a split rail fence in Schel Chelb Park along Point White Drive to address safety concerns. The deeds for the Pritchard Park transfer have been completed and will be circulated. Work will begin on an agreement between the Park District and the National Park Service for the Bainbridge Island Japanese American Exclusion Memorial in Pritchard Park.

Executive Director Terry Lande said that regarding the outfall failure at the Battle Point Park north pond, the engineer Adam Wheeler is working on a new design solution. The dam is regulated by the state, so all permitting is done through the state. The engineering work for the south pond at Battle Point Park cost over \$20,000, consequently the engineering work for the north pond could be upwards of \$20,000. The largest expense for this project will be in the engineering not the labor. There is a sign at the site which explains the outfall failure for the public. Staff will have notification placed on the website to explain to the public what is going on at the pond. Commissioner DeWitt said if there is any remedial work that is needed on the pond this may be the time to do it. Commissioner Janow asked about the state's role in the project. Park Services Division Director Dan Hamlin said the state regulates all dams and therefore notification of the breach had to be made to the state and downstream neighbors. Commissioner Kinney asked if the pond should be dredged out at this time, as ponds naturally fill in over time. Dan Hamlin said staff will investigate legal aspects and need for possible dredging and other remedial work for the pond.

BOARD MEMBER ITEMS:

- Commissioner Swolgaard commented that during construction for the development around the Madison Tot Lot there still needs to be access to the park. Executive Director Terry Lande said he will follow up on that with the developer.
- Commissioner Swolgaard said he met with Park Services Division Director Dan Hamlin and Commissioner DeWitt to review the Kitsap Public Utility District's easement in Gazzam Lake Nature Preserve. It was determined that KPUD has no ownership in the park, only easements. Commissioner DeWitt said based on KPUD's proposed well site the trail would have to be moved. There will need to be a conversation with KPUD and possibly the Bainbridge Island Land Trust about the 100-foot protected radius required around a well, as the proposed site of the well is not 100 feet within the easement lines. Dan Hamlin clarified that the protective radius would not be required to be fenced. Commissioner Janow asked about the implications of the size of trees and their root structures within the protected radius. Commissioner DeWitt said that the protected radius could limit any future active use at the park. Dan Hamlin said he will follow up with KPUD on the

subject. Commissioner Kinney brought up the need for discussion with KPUD for mitigation if the protected radius extends from the easement into the park area and limits future uses.

- Commissioner Swolgaard said that he has been approached by a group of people interested in restoring historical properties such as the Fort Ward Park barracks or the house at Cave Family Heritage Park and that it can be part of a future discussion.
- Commissioner DeWitt said he attended a Bainbridge Island Parks Foundation meeting.
- Commissioner DeWitt said that it is good news that the City of Bainbridge Island has given preliminary approval for the interlocal agreement for trails between the City and the Park District.
- Commissioner Cox said that she is curious how Park District staff who works with kids and the community fits into the state’s plan for COVID-19 vaccine prioritization. Recreation Division Director Mark Benishek said staff has gotten very little information on this topic. Lifeguards are technically categorized as first responders by the Kitsap Public Health District, however a request to have lifeguards vaccinated in phase one of the vaccination rollout was denied.
- Commissioner Cox inquired about the ownership of the mural on the east side of the Aquatic Center. Recreation Division Director Mark Benishek said it is Park District property. Commissioner DeWitt said the mural was commissioned based on a grant about ten years ago from a former Bainbridge High School student.
- Commissioner Janow said that Park Services Division Director Dan Hamlin shared with the Trails Advisory Committee that some kid-friendly hikes on Park District trails have been highlighted in ParentMap.
- Commissioner Janow said she and Commissioner DeWitt had a preliminary meeting with the auditor to talk about risk assessment.
- Commissioner Janow thanked staff for their response regarding the cougar sightings on the island.

MEETING ADJOURNED at 7:24 pm.

Helen M. Stone
Terry M. Lande
BAINBRIDGE ISLAND METROPOLITAN
PARK & RECREATION DISTRICT

BY: _____
Dawn Janow

BY: _____
Kristine Cox

BY: _____
Kenneth R. DeWitt

BY: _____
John Thomas Swolgaard

ATTEST: _____
Jay C. Kinney