

**BAINBRIDGE ISLAND METROPOLITAN PARK & RECREATION DISTRICT  
REGULAR BOARD MEETING APRIL 9, 2009  
STRAWBERRY HILL CENTER**

**CALL TO ORDER** A quorum being present, the meeting was called to order at 6:06 pm by Chair Swolgaard.

**BOARD MEMBERS PRESENT:** Lee Cross, Ken DeWitt, Kirk Robinson, Dave Shorett, and Tom Swolgaard.

**ADJUSTMENTS TO AGENDA:** Move scheduled Executive Session to beginning of meeting.

**MEETING ADJOURNED TO EXECUTIVE SESSION** at 6:10 pm for discussion of legal matters with announced time to reconvene at 6:20 pm. **MEETING RECONVENED** at 6:20 pm. **MSC: Shorett/DeWitt: That the settlement regarding the Pritchard Park/McNabb lawsuit be approved as prepared by the District's attorney, and that the Executive Director be authorized to sign any necessary documents, and that a letter be written to the City making clear that although the District is a party to this lawsuit and agreeable to the settlement agreement, the District does not intend to and has no obligation either in the present or in the future to meet the requirements for surface water management and road repair and the likes that are expressed in this document.**

**PUBLIC COMMENTS ON NON-AGENDA ITEMS:**

Rachel Smith island resident said a plant closely related to spurge (on WA State Noxious Weed list) has been planted in Blakely Harbor Park and is explosively invasive. She asked that the Park District have a policy prohibiting people from planting vegetation in parks without permission.

Debbie Lester thanked District staff Arlan Elms and Dan Hamlin for the meeting held last week over the potential garden plot sites they identified on the island. She said they left the meeting thinking that if there is to be collaboration on the island's garden plots between the Trust for Working Landscape, Sustainable Bainbridge, Sound Food and the Park District, that it would be good to start off with one successful project ideally located in the downtown area.

**PUBLIC COMMENTS ON AGENDA ITEMS:**

Rachel Smith said the City's shoreline plan for Strawberry Packing Plant does not provide adequate access to the water. She asked that the park's hours be extended so boaters can go out on the water at night to view the bioluminesce.

James McNett island resident presented a draft from the Bainbridge Island Historical Preservation Commission recommending the Strawberry Plant Park be placed on the Bainbridge Island Historic Register. He said it is eligible for this nomination based on its past association with the community's history, archaeology and cultural heritage.

Jerry Elfendahl provided history of the Strawberry Packing Plant and surrounding areas saying it is a significant island site. He said public input for the park emphasized preserving history, and that the City's final plans do not consider people as part of the landscape. He said he believes "we" can restore the park cheaper and on "our" own, without any definition that would in perpetuity prevent people from accessing the beach.

Doug Hatfield island resident said he researched COBI records and found an April 18, 2008 memo signed by the City with the Elliot Bay Trustee Council indicating that if Trustee grant funds are used, the waterfront portion of Strawberry Packing Plant would be in perpetuity off-limits for the public and for habitat. He said this was signed several months before the City charrette process began. He said he loves the human component in Jerry Elfendahl's proposed plan and that active access to the waterfront needs to be preserved.

Jim Taylor island resident said "don't clean-cut Bainbridge Island" and asked that the emphasis of Strawberry Packing Plant be on kids and not fauna. He said the park should convey a clear statement of the site's history and the unique culture of the Japanese American strawberry farms and businesses that once existed on the island.

Debbie Lester island resident supported those who just spoke, and said they are frustrated because they want their voices heard.

**BOARD CONSENT**

**APPROVAL OF MINUTES:** Approval of the minutes of the March 26, 2009 regular board meeting, was postponed to the next board meeting until the tape could be referenced for several Board requested revisions.

**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:**

| <u>Fund Name</u>   | <u>Fund No.</u> | <u>Batch No.</u> | <u>Batch Date</u> | <u>Amount</u> | <u>Pre-Approv by Exec. Director</u> |
|--------------------|-----------------|------------------|-------------------|---------------|-------------------------------------|
| General Fund       | 94952           | 352508           | 3/30/09           | 28,663.73     | 3/20/09                             |
| General Fund       | 94952           | 352787           | 4/6/09            | 60,552.37     | 3/27/09                             |
| Capital Imprv Fund | 94955           | 352502           | 3/30/09           | 40,284.98     | 3/24/09                             |
| Capital Imprv Fund | 94955           | 353558           | 4/20/09           | 43,545.54     |                                     |

**UNFINISHED BUSINESS**

**STRAWBERRY PACKING PLANT:** Perry Barrett said staff and the Capital Facilities Committee met this week to discuss with City staff and Anchor Consulting the items outlined by the Board at the last board meeting pertaining to the Strawberry Packing Plant. He reviewed each item and summarized the City’s response. 1) Board: Shoreline restoration within 50’ buffer. City: Confirmed this. 2) Board: Line adjusted so restroom outside restoration area. City: While a part of the restroom is within the restoration area, its existing use is grandfathered in under code BIMC16.12.390. (Commissioner Swolgaard objected to this, saying that unless the line is adjusted so that the restroom is totally out of the restoration area, there may be restrictions on what can done to the restroom in the future). 3) Board: Floating envelope for 5 or more parking spaces plus one space for ADA access. City: Agreed to this. 4) Board: Fill must be tested and clean. City: Agreed to this. 5) Board: Place fill so it is level with a gentle slope to the water. City: agreed to taper fill to water. 6) Board: Re-orient boat launch so stays within park property lines: City: This has occurred and is reflected in the 30% design drawing. 7) Board: Viewing platform to go as far out as existing pier. City: Current overlook drawing extends out 110’ to viewpoint most commonly used by people on the existing pier. City Planner Peter Best said an additional 18’ of the existing pier extends beyond this, but is difficult for people to access since it requires a scramble down into a concrete box. Board members asked that the new pier go out the full 128’ of the existing pier. Peter Best said he will check to be sure this fits within the performance criteria.

Peter Best presented the City’s 30% design submittal for the Strawberry Packing Plant saying everything in the uplands portion is indicated as optional, and has been modified to accommodate what was discussed at the last board meeting. He said the sooner the Board can indicate its desire for removal of asphalt, placement of fill, parking locality, the better since the City can then incorporate this into the shoreline construction activities resulting in cost savings to both agencies. He said ideally the City would know by mid-May whether any of the fill can be placed on site. The final design of where parking goes and how the material is moved around can be determined a bit later. Board members agreed to a site visitation on April 14 to discuss these issues. Peter Best reviewed the next steps: Permits are being submitted; notices will be out next week inviting public comment; a 30 day public comment period will be held on the shoreline permit; 14 day comment period for the SEPA determination; and then to Hearing Examiner for public hearing and decision. In addition, Peter Best said he is hoping that tomorrow NOAA will initiate the formal Section 106 under the Historic Preservation Act so that parties such as Jerry Elfendahl, the Historical Preservation Commission, Historical Society, the State and Tribe can enter into a formal consultation process to discuss the historical and archeological aspects of the site and the potential impact the project will have on these, with the outcome of this process being a determination. Commissioner Robinson noted the need to begin the uplands design process soon in order to time the placement of piers for the new over-water viewing structure with the shoreline planting. In response to questions over the removal of fill, Peter Best explained that if artifacts are discovered when the project is underway, regulations require that the work stop and that a modified plan be developed.

**STRAWBERRY HILL PARK PLAYGROUND:** Park Services Director Arlan Elms said the renovation of the Strawberry Hill Park playground structure is budgeted in the Capital Improvement Plan and that staff is asking for Board approval to move forward with this project. Dan Hamlin, Park Services staff, presented the project and thanked landscape architect Susan Murray for her contribution of design work. He said input has been received from the community as well as District recreation staff, saying one of the primary users of the play structure is District classes and programs. The proposed structure is within the \$20,000 budget. The old structure will be removed by Park Services staff, and the new one will be built by the community in one day with staff providing follow-up labor. It is hoped the new play structure will be up and available for use in June. **MSC: DeWitt/Cross: That the installation of the new play structure at Strawberry Hill Park be approved, that it stay within budget and that the Board be informed of any cost overruns.**

**BLAKELY HARBOR PARK BRIDGE:** Roger Belieu with Park Services presented three options for a footbridge at Blakely Harbor Park ranging in price from \$97,000 for a wood bridge to \$156,000 for a steel bridge. **MSC: Robinson/DeWitt: That the purchase and installation of the wood structure be authorized.** It was noted State RCO grant funds will be used for the project, and that because a shoreline permit is needed and the planning process involves both state and federal authorities, it could take up to a year to build the bridge.

#### **STATE PARK/COBI PARK PROPERTIES:**

State Parks: Executive Director provided an update to the Board saying there are currently two prongs to the issue. 1) On a local and regional level, State Parks staff is proceeding with the transfer of the parks. 2) On a legislative level, revenues have been included in the state budget for funds that could be generated by a reversing a car tab renewal clause which now gives taxpayers the option of contributing \$5 to state parks when they renew their car tabs. Currently the default is such that taxpayers must opt in if they want to make a contribution. If the default is reversed so that taxpayers must opt out of making the contribution, it is speculated that approximately \$25 million in additional revenue could be generated. Whether this additional revenue would be used to retain state parks or for some other purpose hinges on what the State legislature decides. Commissioner Robinson mentioned that even if these funds become available for state parks, the transfer of Fay Bainbridge and Fort Ward could still be forthcoming if it is determined that these two parks do not meet state park criteria. Commissioner Shorett said that following the recent state parks public meeting, he contacted State Parks Commissioner Joan Thomas with a number of questions. He said he has been gone a lot, but that with all due respect, he thinks the Board's approach to the state parks has been wrong. He said Fay Bainbridge is a regional park that has been always been run successfully by State Parks and that the sewer system which would benefit the neighbors and contribute to the restoration of Puget Sound will never be built if the State gives up ownership of the park without first building it. He said the Board should do everything possible to ask the State to continue to maintain Fay Bainbridge as a state park and build the sewer system. Commissioner Robinson said that he didn't disagree with this, but that the Park District needs to be prepared to take on the two state parks if it is not an option for the State to keep them. He said he is concerned this may be the case, and that he'd hate to see another entity step in to take the island's state parks on. He said the closest example of another jurisdiction taking on a state park is the Suquamish Tribe taking on Old Man House Park. More discussion followed, after which the Board's position was reiterated as follows: The first priority is to see that the state parks stay open as parks, and if the State can afford to keep them open, this would be best; if not, the Park District needs to be in a position to take them on. Commissioner Swolgaard reminded the Board that what initially got the Park District's attention was discussion by the State that these two parks do not meet the State's criteria for what constitutes a state park and that this is why they were among the first thirteen parks listed for closure.

COBI Park Properties: Executive Director Lande said the title search begun on the 28-29 Category 1 properties was completed today, and includes Waterfront Park. He said the District's attorney is preparing the quit claim deed documents and the City will soon begin the surplus property SEPA process which will take 60 days. Until the properties are transferred the City may ask the District to enter into an interim operational agreement to maintain them. Once the agreement is in place, the Park District will be in charge of the properties slated for transfer and responsible for all costs. If the City later pulls any of these properties and elects to maintain ownership, COBI will reimburse the Park District for any costs paid by BIMPRD to take these parcels on during the interim period. Executive Director Lande said there is some question over the Senior Center and whether the City wants it included in the transfer of Waterfront Park. Following discussion, the Board agreed to having all of Waterfront Park transferred to the Park District with the exception of the two parcels upon which the Senior Center facility is located. Commissioner Robinson noted that in the past the Board has created complications for the District by attaching conditions to property transfers that must be met prior to acceptance of the property. He made the following motion: *That when the City properties are ready to be accepted, the Board either accept or reject them without putting conditions on the properties that must be met prior to acceptance.* Commissioner Shorett said it is possible for the Board to move in this direction without a formal motion since this action could interfere with the need to conduct due diligence. The motion did not receive a second, but the Board agreed that as a general rule it was a good idea. A brief discussion was held over whether this should apply to storm management fees or whether these fees should be negotiated independently from the transfers.

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

Recreation Services Director: John DeMeyer: Encouraged the Board to attend the egg hunts this Saturday; the grand opening of the steam room was held this evening; the Senior Center volunteer luncheon at IslandWood is coming up (Commissioner Shorett will try to attend).

Park Services Director: Arlan Elms: Fourth grade students contributed 300 hours to a recent ivy pull at Rotary, Blakely Harbor and Ted Olson parks to raise funds for the fourth grade outdoor education program cut by the School District.

Executive Director: Terry Lande: An encouraging meeting with Babe Ruth to address the water issue at Sands Avenue Ballfield was held recently, and it is possible that an arrangement to use the current well can be reached.

#### **BOARD MEMBER ITEMS:**

- Commissioner Robinson distributed documents related to T'Chookwap Park including a City resolution authorizing the transfer of T'Chookwap Park to the Park District and a Park District resolution accepting it. He questioned the T'Chookwap motion made at the March 26 board meeting in light of these documents. He also questioned how Commissioner Cross could have made the motion since earlier in the evening she had recused herself from the discussion due to her involvement with the Open Space Commission. He said he didn't think her recusal was necessary since it had nothing to do with employment or remuneration, but given that she did recuse herself raises a question over the validity of the motion. Commissioner Swolgaard agreed that the recusal was not necessary, and Commissioner Shorett said it was her individual decision. After reviewing the documents, Commissioner Cross said she thinks the previous action taken by the Board in the presented resolution is binding. She said that upon further reflection, the motion from the last board meeting is invalid, and that she no longer feels she needs to recuse herself from the discussion. **MSC: Cross/DeWitt: That the motion related to T'Chookwap Park made at the March 26, 2009 board meeting be rescinded.** Board discussion over the property corners was held on whether the Park District should take on T'Chookwap Park prior to the corners being marked and assume responsibility for doing the survey work after the transfer is done. **MSC: Robinson/Cross: That the transfer**

**papers be signed for the Park District to take on T'Chookwap Park and that the District conduct the survey afterwards. (DeWitt: Nay – Shorett: Abstain)**

- Commissioner Shorett said the spring/summer brochure is brilliant and that he is blown away by all the programs that are being offered.
- Commissioner Shorett said the April 1, 2009 NOAA letter signed by Terry looked great and asked if the Mayor had also signed it. Executive Director Lande said she had. *(See Written Correspondence next page).*
- Commissioner Shorett said the School District bond measure is coming up in May and that it is important that the Board express its concern that the gymnasium and playground be designed in a way which accommodates public use. This topic will be added to the next board meeting agenda for a formal board motion on conveying this message to the School District.
- Commissioner DeWitt said he attended the March 30 Japanese American Memorial wall groundbreaking. He also attended a recent community forum which addressed primarily City issues, and that frustration over the public process for the Strawberry Packing Plant shoreline project was expressed.
- Commissioner Cross reiterated the need for public involvement in the uplands planning of Strawberry Packing Plant. Board members agreed that the immediate need to determine whether the asphalt should be removed is a decision the Board can make.
- Commissioner Cross asked about the soccer fields. Executive Director Lande said work is in progress with the main drainage trench being dug and gravel stockpiled. He also gave an update on the Chaffey property saying staff met on-site with Dave Brown to get an estimate on engineering and the cost of doing a feasibility study for the trail. He said that in order to get an estimate, the District must pay to have initial research done. Terry Lande said this is not a trail the Park District can build. It must be contracted out since it requires a lot of earth moving involving heavy equipment and large machinery. He said that prior to making any recommendation to the City on purchasing the property it is important that the Board know what is involved to do the project. Commissioner Shorett said he has trouble with this, saying the project is non-motorized work that is the responsibility of the City. Terry Lande said he would get back to the Board in several weeks with the estimated costs. Commissioner Robinson asked if staff has looked at the site to see what can be done there as a park property. Executive Director Lande said staff does not believe the property can serve as a park without spending a great deal of money.

**BOARD MEMBER COMMITTEE REPORTS**

**CAPITAL FACILITIES:** Commissioner Robinson said the Committee met this week with City staff and Anchor Consulting on the Strawberry Packing Plant shoreline restoration project and that he came away more educated about the project and comfortable with what is going on. He emphasized the need for public input in the uplands planning. He said the Committee met also with the Senior Center non-profit Board to inform them of the possible transfer of Waterfront Park to the Park District, and that this was also attended by two City Council Members who were not present at the joint City Council/Park Board meeting in February.

**BUDGET & FINANCE:** The Committee met with staff and the State Auditor for the District's exit interview following the completion of the state audit conducted the past few months. It was noted the District has a clean record with only two very minor items

pointed out by the auditor. In addition, it was mentioned that the City has agreed that the discussion of stormwater management fees is best held between the City and Park District Finance Committees.

**WRITTEN COMMUNICATIONS**

Executive Director Terry Lande said the City asked him to sign an April 1, 2009 letter drafted by COBI to NOAA regarding the Pritchard Park Shoreline Restoration Project, and that he signed it after Commissioners Swolgaard, Robinson, and DeWitt had reviewed it.

Thank you notes were received from Debbie Lester thanking staff for their work on community garden plots, and a letter was received from people who own property on Mandus Olson Road inquiring about parking for the Grand Forest.

**MEETING ADJOURNED** at 9:05 pm.

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

BY: \_\_\_\_\_  
John Thomas Swolgaard

BY: \_\_\_\_\_  
Lee Cross

BY: \_\_\_\_\_  
Kirk B. Robinson

BY: \_\_\_\_\_  
Kenneth R. DeWitt

ATTEST: \_\_\_\_\_  
David L. Shorett - Secretary