

**BAINBRIDGE ISLAND METROPOLITAN PARK & RECREATION DISTRICT
REGULAR BOARD MEETING APRIL 19, 2018
STRAWBERRY HILL CENTER**

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

BOARD MEMBERS PRESENT: Lee Cross, Ken DeWitt, Jay Kinney, Tom Swolgaard. Absent: Michael Pollock

ADJUSTMENTS TO AGENDA: Add to General Business: Resolution 2018-04 Surplus Property. Add executive session for potential litigation.

PUBLIC COMMENTS ON NON-AGENDA ITEMS:

Doug Raugh, island resident, said the new Wilkes School was constructed with a full basketball court that can be used by the north end of the island, but the new Blakely school underway will not have a full court. He'd like the Park District to see if it can get a full court at Blakely, so there is a full basketball court at both the north and south ends of the island. He also said the City Council has discussed with Public Works about getting a full design in place before proceeding with the Sound to Olympics Trail. He doesn't want the Park District to feel rushed because the City Manager has said the City could pay Visconsi cash in lieu of having to build the trail this year.

BOARD CONSENT

APPROVAL OF MINUTES: Upon making the following revisions to the minutes of the April 5, 2018 regular board meeting, Chair Kinney stated the minutes stand approved as corrected: p. 4: change "moving" to "mowing"; change "lease" to "leash".

APPROVAL OF PAYMENTS: No vouchers were presented for board approval.

UNFINISHED BUSINESS

ARCHEOLOGICAL PRESENTATION YAMA:

Senior Planner Perry Barrett introduced Rick Chandler, curator of the Bainbridge Island Historical Museum. He said approximately six years ago the museum started looking into the Yama site at Blakely Harbor Park when asked by the Bainbridge Island Japanese American community to do this. A partnership was formed with Olympic College to do a three-year archeological study of the site which has now been completed. An additional three-year study with the college is being discussed. The artifacts are being held by the Burke Museum for further research. The Yama site is already on the Washington Historic Register and it was nominated in March to be on the National Historic Register. Rick Chandler showed a short clip of the meeting when the nomination was unanimously approved. He went on to say that in June, the BI Historical Museum will be opening an exhibit with artifacts from the Yama site that will last several years. Clarence Moriwaki with the BI Japanese American community said the Yama site is perhaps the last untouched indigenous Japanese American pioneer village in the United States, and that it is extraordinary to have it here and in a virgin state. He expressed appreciation to the partners of the project including Olympic College, the Burke Museum, and the Park District. He said having the Yama site on the National Historic Register will be significant since it has ties to the historic Blakely Harbor Mill which was at one time the largest lumber mill in the world. With the Hall Brothers Shipyard next door, Blakely Harbor was a place of huge industry. In fact, he said Bainbridge Island got electricity before Seattle did. He noted the Yama site along with the BI Japanese American Exclusion Memorial "places matter" and in so doing preserves history.

TRANSFER PORTION OF COBI OWNERSHIP IN PRITCHARD PARK TO PARK DISTRICT: Executive Director Terry Lande presented the proposed transfer of City of Bainbridge Island ownership of portions of Pritchard Park to the Park District. The City and Park District currently co-own approximately 70% of the park, with the exception of the

Superfund site on the point and the upland area above the Superfund site which are owned solely by the City. Much of Pritchard Park was a former creosote plant, and prior to it becoming a park, the property was referred to as the Wyckoff site. In addition to the co-owned portions, several of the parcels currently owned solely by the City are being considered for transfer to the Park District. These include parcels south of the Superfund site and parcels across Eagle Harbor Drive. The City is not transferring the Superfund site on the point to the Park District or the parcel area that includes the water tanks adjacent to the Bill Point neighborhood. When the clean-up of the Superfund site is completed and the land is conducive for a park, it is possible the Park District may accept the point as well. A draft transfer agreement has been prepared by the City and before the board this evening is the version that includes edits that have been made by the Park District's attorney Hayes Gori.

Chair Jay Kinney then allowed comments from the public.

Kirk Robinson, island resident, spoke in general support of the transfer. He thought it would be helpful to delineate that portion of the site designated for the Japanese American Exclusion Memorial. In addition, he thought it would be helpful to hold a public process similar to what was held for Sakai Park that has no pre-conceived ideas of how the park will be used. He noted that a concept design was accepted by the board approximately 10 years ago but never approved. He mentioned the draft transfer agreement refers to parcels with conditions and asked what these conditions are and the impact they will have. He encouraged the board to plan for the future, keeping in mind the point in the event if it is ever received.

Chair Kinney asked Kirk Robinson if he had anything to add about the Superfund site since he worked many years for the Environmental Protection Agency (EPA), the federal agency responsible for the Superfund Site. Kirk Robinson said purchasers of these Superfund sites are free of liability unless they do something to actively disturb the site and cause problems.

Clarence Moriwaki spoke on behalf of the BI Japanese American Exclusion Memorial, saying a survey was done to determine the boundary lines of the site which is roughly 8 acres. He said the BI Japanese American Exclusion Memorial Association strongly supports the transfer. They have a long working relationship with the Park District and appreciate the help the Park District has provided. They would like the memorial site clearly delineated with a clear description of use defined that indicates in part dogs will be on leash. Their intent for the site is that it be a contemplative experience. He also noted it is a satellite site of the National Park Service and that there are stipulations regarding dogs in national park facilities.

Melanie Keenan, island resident, said she is a geologist who has been volunteering in the community for a decade. She said the plans are outdated and do not clearly delineate the issue outside the Superfund site; contaminants have been identified outside the wall as well as within. She said the beaches are still hazardous with unsafe levels of contaminants. The wall built to contain them is degrading and the tides have an impact on the site. A new feasibility study is being done by EPA that is recommending a new containment and dividing the clean-up efforts into two phases. The cost is estimated at \$82-100 million and no funding has been identified. She thinks the Park District should wait until the feasibility study is done and not accept the park. She said the Park District does not have the resources to ensure the clean-up gets done.

Executive Director Terry Lande mentioned a reverter clause in the proposed transfer documents saying if the Park District no longer wants to use the property for a park, it reverts back to the City.

Malcom Gander, island resident, noted that under CERCLA when any party takes title to property or owns any portion of a property they can be financially responsible for the contamination even if they didn't cause it. He encouraged the

Park District to wait to see what EPA decides before accepting the transfer since the District will then have a better idea of what it is getting into. He said any liability assumed goes on into perpetuity.

Chair Jay Kinney said he understands the concerns, but said somebody has to manage the property. The Park District is already co-owners of the park, and he doesn't see that there is added liability. With the reverter clause, the property can be sent back to the City.

Commissioner DeWitt said the property sits on the waterfront and is subject to the City's Shoreline Master Plan and Critical Area's Ordinance. Before accepting the transfer, he'd like to know if off-leash dogs are a permissible use on the site. Executive Director Terry Lande said the Park District has asked the City this and was told the District must submit a permit for a specific project in order for there to be a determination. Park Services Director Dan Hamlin said the District has also requested a formal letter from the planning director on this and was told that since off-leash dogs on the beach is a historical use, any submission for an enclosed off-leash dog area would be weighed against the appropriate policies.

Commissioner Cross said the property has been in public ownership for approximately 10 years, and while paid for by the public, the property has not been made useable for the public. She appreciates the concern about contamination but the Park District is already a co-owner of much of the property. She would like to move forward with the transfer.

A discussion was held during which several questions were raised about indemnification and potential liability for the Park District in accepting the property transfer. **MSC: Cross/DeWitt: That the edited transfer agreement be sent back to the City to determine if the City will agree to this language, and that there also be further investigation into the extent of the District's potential additional liability by looking at all agreements and documents that deal with indemnity and the original purchase of the property.**

Bill Glasser, island resident and an EPA Superfund manager for 15 years, said the Park District will not be assuming any additional liability since as a joint owner with COBI, it already potentially has full liability for the site.

MEETING ADJOURNED for a short break at 6:55 pm. **MEETING RECONVENED** at 7:00 pm.

GENERAL BUSINESS

RESOLUTION 2018-01: RCO GRANT APPLICATION, SAKAI PARK LETTER OF RETROACTIVITY FOR ACQUISITION:

Senior Planner Perry Barrett noted that a grant for letter of retroactivity acquisition funds for Sakai Park was submitted in the last grant cycle two years ago and may be awarded. Because it is still not known whether the funds will be awarded, he recommended that to play it safe the grant be resubmitted in this cycle since this is the last year the Park District can apply for funds under a letter of retroactivity. **MSC: DeWitt/Swolgaard: That Resolution 2018-01, authorizing application for RCO grant funds from the State of Washington for the Sakai Park property acquisition, be adopted, and that the Board Chair be authorized to sign.**

RESOLUTION 2018-02: RCO GRANT APPLICATION, BATTLE POINT PARK RENOVATIONS: Senior Planner Perry Barrett said this grant application would be for funds to renovate the KidsUp Playground and restroom at Battle Point Park. A match of the grant funds would come from fundraising and Park District capital improvement funds. **MSC: DeWitt/Swolgaard: That Resolution 2018-02, authorizing application for RCO grant funds from the State of Washington for Battle Point Park renovations, be adopted, and that the Board Chair be authorized to sign.**

RESOLUTION 2018-03: AMENDED 2018 CAPITAL IMPROVEMENT FUND BUDGET: Park Services Division Director Dan Hamlin said the 2018 Capital Improvement Fund needs amending to include 2017 carry forwards and several other additional items. In response to a question from the board, he noted that the Rotary Centennial Park improvements indicated in the budget are for a restroom in the park and other amenities that will be paid for using

Rotary Club grant funds. **MSC: Swolgaard/DeWitt: That Resolution 2018-03, amending the 2018 Capital Improvement Fund Budget be adopted.**

RESOLUTION 2018-04: SURPLUS PROPERTY: Park Services Director Dan Hamlin said Truck #12 in their fleet has had many problems, and every effort has been made to repair it and keep it running. Having received an estimate of \$8000 to repair the faulty electrical system, it has been determined it will be more cost productive to trade the truck in on another truck. The funds needed to do this will come from savings in other areas of the Park Services operational budget. **MSC: Swolgaard/DeWitt: That Resolution 2018-04, declaring a 2006 Ford pick-up truck as a surplus item, be adopted.**

DIRECTOR'S REPORT

Park Services: Division Director Dan Hamlin said a bubble drawing is in the works for the KidsUp playground renovation design; the structural work has been completed making the playground functional and safe for this year; he met recently with the dog group, BI Barks and Recreation; construction of the third cabin at Fay Bainbridge Park is underway; the Park District will be helping out the Fire Department this year by doing the mowing for the Phelps station in exchange for water cisterns being filled regularly at Battle Point Park; an emergency preparedness meeting was held recently with COBI and the Fire Department to discuss roles and inventory facilities, resources, and people; Earth Day projects are coming this Sunday at Blakely Harbor Park.

Administrative Services: Senior Planner Perry Barrett said he has heard from lead entity Federal Corps of Engineers that the Suquamish Tribe is now objecting to the pedestrian bridge at Blakely Harbor Park, so the Park District must consider several alternatives, one of which one is to go back to the Corps see if the permit will be issued. He is working to submit the two grant applications to WA State RCO. Executive Director Lande said a new manual has been written addressing softball league behavior and outlining clear penalties; the next board meeting will include agenda topics requested by Commissioner Pollock on filming meetings and moving the park board meeting location. Outreach program manager Lori Mejia said she will be leaving the Park District in early June, and she is busy getting staff prepared for the transition.

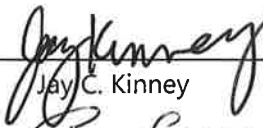
Recreation Services: Division Director Mark Benishek and Superintendent Bryan Garoutte provided an update on recreation activities and programs: summer hiring of staff is underway; a 95 year old gentleman on the Masters Swim Team set six national records during the Pacific Northwest Championships; a beach firing pottery class is coming up; a slack line class is starting in gymnastics involving people from ages 6-70; spring soccer has begun; a concert is coming up at the skate bowl; long-time yoga instructor Carol Wallace will be retiring soon. Proposals are due next week for the second phase of the Aquatic Center study that will examine the options identified in a prior study for replacing the Ray Williamson Pool. The Rotary Huney committee voted to fully fund the pool lobby renovation project; this is the first step in vetting the grant application with two more to go.

BOARD MEMBER ITEMS:

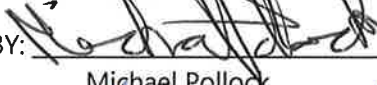
- Commissioner DeWitt attended a recent Trails Advisory Committee meeting as well as a COBI Multi-Modal Transportation Advisory Committee meeting. He received an EPA dog fact sheet from citizen Doug Raugh and had it distributed to the board.
- Commissioner Swolgaard asked about the status of the Hawley Cove boardwalk. Construction is expected to begin in August or September.
- Commissioner Cross said she and Perry Barrett attended a recent BI Parks Foundation board meeting.

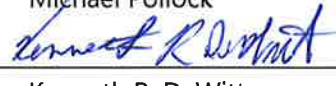
MEETING ADJOURNED TO EXECUTIVE SESSION at 7:45 pm for discussion of potential estate, with announced time to reconvene at 8:05 pm, and **RECONVENED** at 8:15 pm. **MEETING ADJOURNED** at 8:17 pm.

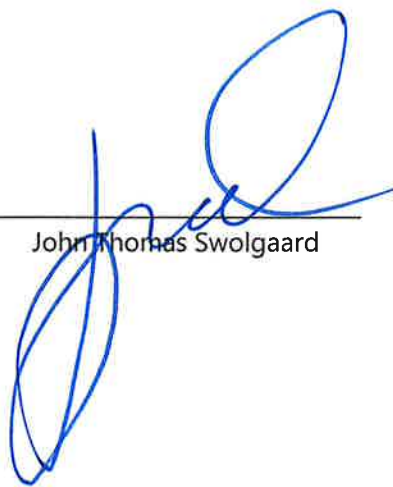
Elizabeth R. Shepherd
Terry M. Lande
BAINBRIDGE ISLAND METROPOLITAN
PARK & RECREATION DISTRICT

BY: 
Jay C. Kinney

BY: 
Lee Cross

BY: 
Michael Pollock

BY: 
Kenneth R. DeWitt

ATTEST: 
John Thomas Swolgaard