

# KEY PENINSULA METROPOLITAN PARK DISTRICT

## *d.b.a.* KEY PEN PARKS

P.O. Box 70, Lakebay, Wa. 98349

253-884-9240 and [info@keypeninsulaparks.com](mailto:info@keypeninsulaparks.com)

### Board Meeting Minutes

Monday, February 11, 2008

**The public meeting was preceded by a 7:15PM study session.** The topic of the study session was the Open Public Meetings Act (OPMA) presented by Bruce L. Disend of the law firm Kenyon Disend (KPMPD's legal counsel). A fact sheet about the OPMA was presented to the Board; staff was requested to post a copy on KPMPD's web site for public access. Appropriate use of the emergency exception was discussed. The sequence would be a motion declaring an emergency then a resolution presented at the next meeting declaring the emergency, the reason for the declaration and the length of the emergency. Notice and bid requirements are waived when an emergency is declared. Any actions taken and found to be in violation of OPMA cause those actions to be null and void. Executive Sessions are similarly limited in favor of OPMA. Some valid reasons to call an Executive Session are price negotiations when discussing (real) property purchases (fiduciary obligation on the part of the Board to the public), price setting/selling strategy when surplusizing some types of property and when addressing legal actions involving the Board or District. Formal action on real property must happen in open session. When Executive Session is called, Atty. Disend recommended that the appropriate RCW be cited. There was discussion about how an action based upon an invalid Executive Session becomes null and void. The issue must be brought to the Board's attention in a timely manner (30 to 60 days suggested because of the frequency of KPMPD meetings) or an action is declared invalid by a Court of Law. The Board must then move to invalidate the OMPA-compromised motion and a new open session motion must be advanced. The new motion may approve an action retroactively.

**The public meeting was called to order at 7:30PM in the Volunteer Park Annex Building by President Elmer Anderson.**

**Commissioners Present:** Elmer Anderson, Ross Bischoff, Bruce Nicholson and Kip Clinton. Greg Anglemyer was excused due to health issues. Also present for KPMPD was Scott Gallacher, Executive Park Director, and Administrative Assistant Laura Armstrong.

**Citizens Present:** Rick Sorrels, Ed Taylor, Bob Hicks, Barbara Rowland, Larry Stevens, Glen George (KPLL).

**Approval of Agenda:** The agenda was approved 4/0.

**Citizen Comments:** Barbara Rowland asked whether KPMPD had considered permeable asphalt or permeable concrete (pavers) for trails, especially ADA trails. She attends other public meetings and has heard that Public Works/Waste Management may be considering the unused area of the Key Center waste transfer station (garbage dump) adjacent to Volunteer Park for a chipping/composting site for yard waste. This is because of the Puget Sound Clean Air Agency's potential ruling to ban any sort of outdoor burning. She recommends that KPMPD officially oppose the burn ban. Staff mentioned that it would be prohibitively expensive to haul away brush/windfall which KPMPD currently burns. Rick Sorrels recommended that KPMPD attend KPAC (Key Peninsula Advisory Commission) meetings.

**Special Presentations by Citizens: New Business**

**Special Presentations by Citizens: Old Business**

**Business Meeting**

**1. Minutes:** Commissioner Nicholson objected to the Executive Session in the January 14, 2008 minutes; Clerk Clinton said that "Human Resources" was discussed earlier in the meeting. President Anderson directed staff to discuss the issue with legal counsel and to report back to the Board in March. It was moved, seconded and passed 4/0 to defer approval of the January 14, 2008, minute to the regular March meeting. The minutes of the single topic meeting of January 28, 2008, were approved 4/0.

**2. Financial Report:** Expenses to date were \$17,268.67 with approximately \$10,500.00 in Zoo/Trek deposits. Executive Director Gallacher was directed to base future financial reports on a calendar month basis for easier book-keeping. Other projects in January precluded a more detailed financial report. Director Gallacher will forward the balances in the Venture Bank depository account and the Pierce County Budget and Finance fund later this week. (Information regarding these accounts was forwarded on Feb. 12, 2008; Venture Bank balance \$7989.78; Pierce Co. Budget and Finance fund balance \$32,699.05.) The Key Peninsula Community Fair has begun paying their 2007 bill; they paid 50% with a remaining balance of \$1100.00 to be paid over two more months.

**3. Staff Report (see attached report):**

**a. Home Park:** Various types of site work will begin this month and a permit extension was received for the picnic shelter.

**b. Volunteer Park:** The field vandal was put into the nonviolent offender/first timer program; no restitution has yet been required.

**c. Concession Building:** A countertop extension with a swinging door was installed and a new grill was purchased to replace the old one.

**d. Skate Park:** A rolling gate was purchased and will be installed at the skate park entrance.

**e. Rocky Creek:** A citizen, who has been using an ORV on the trails to run his dogs in the Rocky Creek Conservation Area, has contacted KPMPD to complain that there are no ADA accessible trails in the conservation/natural area. Staff has forwarded information to Pierce Asset Management and the Prosecuting Attorney's Office (KPMPD just leases RCCA from Pierce Co. Public Works—the lease is due for renewal in 2008).

**f. DNR 360:** President Anderson said that DNR will be logging it soon. He asked the Board if there is any additional timbered area that KPMPD would like to have clear-cut by DNR so KPMPD doesn't have to. Staff said that the current logging is based upon KPMPD's master site plan for the property.

**g. Training Opportunities:** Puget Sound Grant Writers' Asso. will be holding a February workshop. Executive Director Gallacher plans to attend; Commissioner Nicholson indicated that he might also attend. Staff recommends that KPMPD attend the National Summit on Environmental Stewardship for People, Parks and Public Lands May 4—7, 2008 in Portland, Oregon. Reservations are required by April 4 to receive discounted rates.

**h. Logo Contest:** The 6 designs have been received to date.

**4. Board Committee and Advisory Council Reports:**

**a. Home Park Playground Committee (Commissioner Anderson, Chair):** President Anderson reported that they met in January and discussed different types of playground equipment. Commissioners Anderson and Nicholson and Executive Director Gallacher looked at the Big Toys Company's facility/equipment when they went to Olympia on Legislative Day.

**b. Program Guide Committee (Commissioner Nicholson, Chair):** Commissioner Nicholson reported that he is collection information. He has contacted 4-H.

**c. Human Resource Committee (Commissioner Anglemyer, Chair):** No report.

**5. Board President's Report:** No report.

**6. Unfinished Business/Home Park:** Currently bids have come in at about \$19,000.00 for excavation/infiltration system work; this does not include tree removal. Staff is concerned about funding. Tree removal is scheduled for February; staff plans to burn the slash if it reduces the cost to the Park District; this option would be precluded if the Puget Sound Clean Air Agency issues a permanent burn ban for all of Pierce County. Consensus was to oppose the proposed burn ban. President Anderson directed Executive Director Gallacher to issue a letter formally opposing the proposed burn ban.

**7. Unfinished Business/Batting Cages:** There was discussion about leaving a permanent structure up during the off season. A permanent building would be placed at one end of the side-by-side batting cages for the pitching machines; KPLL intends to run conduit underground from the skate park. Clerk Clinton had concerns about the design of the permanent building. It was moved, seconded and passed 3/0/1 (Clerk Clinton abstained) to approve KPLL's proposal to install permanent side-by-side batting cages with a permanent building to house the pitching machines along the south side of Field #1 between Field #1's southern fence and the parking area.

**8. Unfinished Business/Discussion of Possible 2008 Audit:** Executive Director had called the State Auditor assigned to the area and had not yet received a return call. Fire District 16 was helpful; staff there said that in their experience the audits consisted of requests for meeting minutes, credit card receipts/financials, inventory lists, insurance policy and resolutions. Commissioner Nicholson had contacted the Auditor; he was told that they charge for the audits. Estimated costs are usually about \$3000.00.

**9. Unfinished Business/Discussion Regarding 2008 Committees:** No discussion of this topic.

**10. Unfinished Business/Discussion Regarding Retainer Contract for Park Planning/Engineering Services:** Executive Director Gallacher recommended that KPMPD negotiate a retainer contract with an engineering/planning firm similar to the one KPMPD has with its attorneys. He said that it would be invaluable to be able to call an expert to ask advice when writing grants or estimating project costs. He had a proposal from Parametrix which is on retainer with Kitsap County; their rates are \$150.00 to \$200.00 per hour. There was discussion about how to issue a Request for Proposals. President Anderson instructed staff to issue an RFP.

**11. Unfinished Business/REET:** In 2002 the Pierce County Council passed Ordinance 2002-99s which reserved \$150,000.00 (requiring a 1:1 match for use against capital expenditures) of Second REET funds in the 2003 budget for Volunteer Park which was then owned and managed by KPPRD. KPPRD had no funds, but they were assured that the REET funding would be held in reserve in perpetuity for Volunteer Park (Exhibit A to Ord. 2002-99s specifically said "Volunteer Park", not the district which owned it). KPPRD was later succeeded by KPMPD who also was assured that the funds were held in trust by Pierce County Parks and Recreation. At the end of 2007 KPMPD staff discovered that the funds were used for other purposes by Pierce County Parks and Recreation. There was discussion about how to approach the issue with the County. Consensus was to issue a formal letter to the Pierce County Council through Terry Lee notifying them of our discovery and starting negotiations to resolve the matter.

**12. New Business/Resolution 2008-03 Expanding Contractual Signatory Indemnification of the District by KPMPD Board Officers in Addition to the President of the Board:** With further investigation staff has discovered that existing Resolution 2005-11 already authorizes the Vice President to sign contracts in the absence of the Board President rendering R2008-03 moot.

**13. New Business/Washington State Recreation Conservation Office Grant Applications for the 2008 Grant Cycle:** KPMPD's Comprehensive Park Plan allows KPMPD to apply for a variety of grants. Application letters are due March 1, 2008; letters of intent don't obligate the park district. Consensus was to have staff apply for as many grants as possible since they don't obligate the district.

**14. New Business/Possible Property Acquisitions in Association with the Trust for Public Lands (Sewell Property on Dutchers Cove and Minter Creek Estuary Property):** The Sewell Property consists of two upland parcels totaling 15 acres and 20 acres of tideland in Dutchers Cove. Consensus was to partner with TPL on the Sewell Property. The Minter Creek Estuary Property is a long narrow 5 acre parcel just SW of the Minter Creek Bridge. It is currently listed for sale with Action Realty. Executive Director Gallacher was directed to talk to TPL and the realtor about it.

**15. New Business/Proposed Road Vacations on the Key Peninsula:** Clerk Clinton alerted the Board about the proposed vacation of an undeveloped public road easement just west of Key Center. She said that retaining public ownership of unused road easements is important to the development of an off-road trail system; you stitch it together one piece at a time. It was moved, seconded and passed 4/0 to protest any road vacation on the Key Peninsula.

**16. Other Minor Matters/Amending the Contract with Homerun Concessions to Change the Start and Ending Dates of the 2008 Contract by 15 Days:** Consensus was to approve the non-material change which would result in a start date of March 15, 2008, and an end date of Sept. 15, 2008. The change is due to a later than usual start of Little League's season. President Anderson signed the amendment.

**17. Other Minor Matters/Resolution 2008-04 Updating the Signature Cards At Venture Bank and Pierce County Budget And Finance by Adding Vice President Greg Anglemyer as an Approved Signatory:** It was moved, seconded and passed 4/0 to approve Resolution 2008-04.

**18. Commissioners Comments/Good of the Order:** No comments.

**19. Meeting Adjourned:** The regular public meeting of February 11, 2008, was adjourned at 10:20pm. A single topic meeting regarding committee formation may be held on February 25, 2008, at 7:30pm at Volunteer Park. The regular March meeting will be on March 10, 2008 at 7:30pm at Volunteer Park and may be preceded by a 6:30PM study session. KPMPD reserves the fourth Monday of each month for single topic meetings should any be needed. Should any regular meeting date fall on a public holiday, the substitute date is the Tuesday following the regular meeting date.

Respectfully submitted by Kip Clinton, Clerk KPMPD.

*Disclaimer: KPMPD's minutes are not official until approved by the Board of Commissioners. There may be errors in the unofficial minutes which are brought to the Clerk's attention and corrected at the time the Board addresses and approves the minutes. The Clerk wishes to apologize to the public and other Commissioners for any errors which may occur in the unofficial minutes; she cannot talk and take notes at the same time.*