



KEY PENINSULA METROPOLITAN PARK DISTRICT
D.b.a. KEY PEN PARKS

Board Meeting

(Meetings may be videotaped or recorded)

AGENDA
October 11, 2021

7:30 PM – Regular Meeting

We encourage the public to participate in the meeting via the Zoom platform:

<https://us06web.zoom.us/j/83274350281?pwd=b1N0a3JGcVZiYTJEKy9pQkpoa3lRdz09>

Meeting ID: 832 7435 0281 Passcode: 159151

Call in: (253) 215-8782

Members of the Board of Park Commissioners
Ed Robison, President

Shawn Jensen, Vice President
Kip Clinton, Clerk

Mark Michel, Member-at-Large
Linda Parry, Member-at-Large

Regular Meeting – 7:30 PM

1. Call to Order

2. Roll Call

	Present	Excused	Comment
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- | | | | |
|-----------------|--|--|--|
| a. Ed Robison | | | |
| b. Shawn Jensen | | | |
| c. Mark Michel | | | |
| d. Kip Clinton | | | |
| e. Linda Parry | | | |

3. Pledge of Allegiance

4. Approval of Agenda

5. Special Presentations (none)

- 6. Public Comments:** *Limited to 3 minutes per issue per person. Speaker will state name and their address. If providing handouts, need to provide 10 copies for Commissioners and Staff.*

PUBLIC PARTICIPATION IN BOARD MEETINGS – Anyone may address any resolution for final consideration the agenda. Public comment on any other items on the agenda shall be at the discretion of the President. To ensure equal opportunity for the public to comment, the President may impose a time limit on each speaker. Questions must be directed to the President.

Under no circumstance shall any person be allowed to address the board on matters in which the District or a District official is a litigant. Speakers are requested to address the board with decorum.

7. Approval of the Minutes

- a. September 13, 2021 Regular Meeting
- b. September 23, 2021 Special Meeting

8. Financial Report

- a. September 2021 Financial Report

9. Executive Director’s Report

10. Board Committee and Advisory Council Reports

- a. Land and Improvements Committee
- b. Key Peninsula Park and Recreation Foundation Report
- c. Trail Update

11. Board President’s Report

12. Public Hearing

- a. Presentation of Draft Fund Budget for 2022

13. Unfinished Business

- a. Authorize the Executive Director to Execute the Right of First Refusal for the Lind Property

14. New Business

- a. None

15. Executive Session

RCW 42.30.110(1)(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a

member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

16. Other minor matters

17. Good of Order/Comments by Board Members

18. Next Regular Meeting November 8, 2021 with possible Special Meeting on October 25, 2021 for the 2022 Budget

19. Adjournment



Meeting: October 11, 2021

Item # 7a

To: Board of Park Commissioners

From: Tracey Perkosky, Executive Director

Date: October 11, 2021

Subject: Approval of Minutes

Background

This is a routine item and includes the meeting minutes from Regular Meeting on Monday, September 13, 2012 and the Special Meeting on Thursday, September 23, 2021.

Recommended Action: Approve meeting minutes.

Attachment 1: Minutes from Regular Meeting on September 13, 2021 (forthcoming)

Attachment 2: Minutes from Special Meeting on September 23, 2021 (forthcoming)



Meeting: October 11, 2021

Item # 8a

To: Board of Park Commissioners

From: Tracey Perkosky, Executive Director

Via: Laura Armstrong, Fiscal Specialist

Date: October 2021

Subject: Approval of Finances

Background

This report includes a summary of the financial information from September 2021 for Board approval.

September 2021 Financial Report

Total expenditures \$78,396.51

- | | | |
|------------------------------|-------------|---------------------|
| • Accounts Payable | \$33,869.84 | Check # 1854 - 1877 |
| • <u>Payroll/Benefits</u> | \$44,419.17 | EFT's |
| • <u>Pierce County Claim</u> | \$ 0 | EFT's |
| • <u>Petty Cash</u> | \$0 | Cash |
| • <u>Bank service fees</u> | \$107.50 | EFT's |

Total Revenue \$50608.74

- | | |
|------------------------------|-------------|
| • Other Revenues | \$4,171.12 |
| • Zoo Trek | \$23,630.15 |
| • Property Tax | \$22,670.60 |
| • Investment | \$136.85 |
| • Leasehold Excise | \$.02 |
| • Timber Excise Tax | \$ |
| • Sale of Tax Title Property | \$0 |

TREASURERS REPORT

Fund Totals

Key Peninsula Metro Parks District

09/01/2021 To: 09/30/2021

Time: 12:45:35 Date: 10/06/2021

Page: 1

Fund	Previous Balance	Revenue	Expenditures	Ending Balance	Claims Clearing	Payroll Clearing	Outstanding Deposits	Adjusted Ending Balance
001 General Fund	3,854,979.22	50,608.74	78,396.51	3,827,191.45	15,979.30	0.00	0.00	3,843,170.75
	3,854,979.22	50,608.74	78,396.51	<u>3,827,191.45</u>	15,979.30	0.00	0.00	3,843,170.75

TREASURERS REPORT

Account Totals

Key Peninsula Metro Parks District

09/01/2021 To: 09/30/2021

Time: 12:45:35 Date: 10/06/2021

Page: 2

Cash Accounts	Beg Balance	Deposits	Withdrawals	Ending	Outstanding Rec	Outstanding Exp	Adj Balance
1 First Citizens Checking	5,615.99	4,171.12	8,789.23	997.88	0.00	0.00	997.88
2 First Citizens Payroll	32,515.67	26,015.70	44,419.17	14,112.20	0.00	0.00	14,112.20
3 Pierce County	3,803,037.03	55,119.35	84,767.57	3,773,388.81	0.00	0.00	3,773,388.81
4 Petty Cash	173.08	0.00	0.00	173.08	0.00	0.00	173.08
5 First Citizens AP	13,637.45	58,751.87	33,869.84	38,519.48	0.00	15,979.30	54,498.78
Total Cash:	3,854,979.22	144,058.04	171,845.81	3,827,191.45	0.00	15,979.30	3,843,170.75
	3,854,979.22	144,058.04	171,845.81	3,827,191.45	0.00	15,979.30	3,843,170.75

TREASURERS REPORT
Outstanding Vouchers

Key Peninsula Metro Parks District

As Of: 09/30/2021 Date: 10/06/2021
Time: 12:45:35 Page: 3

Year	Trans#	Date	Type	Acct#	War#	Vendor	Amount	Memo
2021	704	09/23/2021	Claims	5	1865	4 Sight Septic, Inc	398.00	Maintenace inspection on commercial septic system at Gateway Park
2021	705	09/23/2021	Claims	5	1866	Canon Financial Services, INX	121.11	Canon C5535I II rental agreement, Canon Faxboard rental
2021	706	09/23/2021	Claims	5	1867	Glen Cove Repair LLC	188.00	2015 Chevy Silverado 2500 HD Full vehicle inspection and oil change
2021	708	09/23/2021	Claims	5	1869	H.D. Fowler	579.05	Part/Full Circle rotor less nozzle rain bird
2021	709	09/23/2021	Claims	5	1870	Key Peninsula civic Center	25.00	Rental fee for single party use of premises for Key Peninsula Civic Center Library
2021	710	09/23/2021	Claims	5	1871	Helen Macumber	55.00	September 19th Gateway Park Pavilion rental cancel
2021	711	09/23/2021	Claims	5	1872	Simplot Partners Portland	4,735.81	Coated medalist gold and 16-16-16 5%S aggrade eg. Fertilizer and grass seed for parks.
2021	712	09/23/2021	Claims	5	1873	South Sound Sweeps, INC	326.70	Chimney sweep and Inspection, Firebox Repair at Taylor Bay house.
2021	713	09/23/2021	Claims	5	1874	US Bank	7,584.29	Truck Fuel, Training for Staff, Batteries, latex gloves, helium, desk for parks and facilites manager, white board, bollards, lumber 2x4, coupleing, carpet, light bulbs, halloween decor, A/V cables
2021	714	09/23/2021	Claims	5	1875	Washington Water Service Company	525.19	Gateway Park Water Usage
2021	715	09/23/2021	Claims	5	1876	Waste Xpress	1,277.05	Clor-d-Tect Test, TCLP Test, Environmental & insurance, Transportation, Manifest Fee at Gateway Park. Removal of waste products.
2021	716	09/23/2021	Claims	5	1877	Wave Broadband	164.10	Internet charges and digital phone for Volunteer Park
							<u>15,979.30</u>	

Fund	Claims	Payroll	Total
001 General Fund	15,979.30	0.00	15,979.30
	<u>15,979.30</u>	<u>0.00</u>	<u>15,979.30</u>

TREASURERS REPORT

Signature Page

Key Peninsula Metro Parks District

09/01/2021 To: 09/30/2021

Time: 12:45:35 Date: 10/06/2021

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We the undersigned officer for the Key Peninsula Metropolitan Park District, have reviewed the foregoing report and acknowledge that to the best of our knowledge this report is accurate and true:

Signed: _____ Signed: _____
Commissioner / Date Fiscal Specialist / Date

RECEIPT REGISTER

Key Peninsula Metro Parks District

Time: 13:24:17 Date: 10/06/2021

09/01/2021 To: 09/30/2021

Page: 1

Trans	Date	Type	Rec #	CR #	Acct#	Claimant	Amount	Memo
679	09/08/2021	Tr Rec	1466	1177	1	The Snack Shack	340.00	Concession building rent of \$200.00 and Utilities of \$140.00 for September 2021
680	09/08/2021	Tr Rec	1467	1178	1	General Customer	60.00	Rental of Gateway pavilion on 9-19-2021 from 1-4 pm for (Macumber)
681	09/08/2021	Tr Rec	1468	1179	1	US Bank	287.05	Rebate from US Bank per contract.
682	09/08/2021	Tr Rec	1469	1180	1	General Customer	35.00	Rental of Volunteer Park Shelter on 9-25-2021 from 10am to 12pm for (Jackson Lake HOA)
683	09/08/2021	Tr Rec	1470	1181	1	Tracey L Perkosky	1,184.77	Rent for Gateway House per contract. Rent of \$950.00, Utilities of \$112.9 and Lease hold tax of \$121.98 for September 2021.
684	09/09/2021	Tr Rec	1471	1182	1	Kyle Armstrong	500.00	Rent form Taylor Bay caretaker for September 2021
685	09/09/2021	Tr Rec	1472	1183	1	Kyle Armstrong	264.20	Utilities of 200.00 and Leasehold tax of \$64.20 form Taylor Bay caretaker for September 2021
701	09/21/2021	Tr Rec	1473	1184	1	Clean & Sober Softball Assoc	30.00	Balance due for 2 extra games played on 8-21 to 8-23 2021.
703	09/22/2021	Tr Rec	1474	1185	1	General Customer	1,295.00	Rental of Volunteer Park field from 9-17 to 9-19 for dog agility event (Four Paw Fur Fun Club)
721	09/09/2021	Tr Rec	1475	1186	1	General Customer	113.30	Rental of Gateway Park pavilion on 9-25-2021 from 11-3 pm for (Bull)
722	09/10/2021	Tr Rec	1476	1187	1	General Customer	46.35	Rental of Gateway Park pavilion on 10-9-2021 from 3 - 5pm for (Pagano)
723	09/10/2021	Tr Rec	1477	1188	1	General Customer	15.45	Balance due on Rental of Gateway Park pavilion on 10-9-2021 from 3 - 5pm for (Pagano)
726	09/30/2021	Tr Rec	1478		3	Pierce County Budget and Finar	22,670.60	Property tax of \$22,651.53 and delinquent tax of \$19.07.
747	09/30/2021	Tr Rec	1482		3	Pierce County Budget and Finar	23,630.15	Zoo Trek
748	09/30/2021	Tr Rec	1483		3	Pierce County Budget and Finar	0.02	Leasehold Excise Tax
749	09/30/2021	Tr Rec	1484		3	Pierce County Budget and Finar	136.85	Investment Interest
							46,300.77	
							4,307.97	
001 General Fund							50,608.74	
							50,608.74	

September 2021 Payroll Expenditures

Key Peninsula Metro Parks District

Time:

13:22:11 Date: 10/06/2021

09/01/2021 To: 09/30/2021

Page: 1

Voucher Claimant	Trans	Date	Type	Acct #	Amount	Memo
EFT Employee Paycheck	652	09/10/2021	Payroll	2	2,165.02	
EFT Employee Paycheck	653	09/10/2021	Payroll	2	1,431.20	
EFT Employee Paycheck	654	09/10/2021	Payroll	2	1,620.87	
EFT Employee Paycheck	655	09/10/2021	Payroll	2	2,340.37	
EFT Employee Paycheck	656	09/10/2021	Payroll	2	864.48	
EFT Employee Paycheck	657	09/10/2021	Payroll	2	2,209.67	
EFT Employee Paycheck	658	09/10/2021	Payroll	2	621.65	
EFT Employee Paycheck	659	09/10/2021	Payroll	2	1,362.77	
EFT Employee Paycheck	660	09/10/2021	Payroll	2	1,717.60	
EFT Employee Paycheck	661	09/10/2021	Payroll	2	825.99	
EFT EFTPS	694	09/10/2021	Payroll	2	5,553.15	
EFT United Concordia	695	09/10/2021	Payroll	2	390.50	
EFT WA State Department of Retiremen	696	09/10/2021	Payroll	2	5,302.93	
EFT United Concordia	702	09/21/2021	Payroll	2	492.30	
EFT Employee Paycheck	686	09/24/2021	Payroll	2	1,983.23	
EFT Employee Paycheck	687	09/24/2021	Payroll	2	1,310.47	
EFT Employee Paycheck	688	09/24/2021	Payroll	2	1,476.77	
EFT Employee Paycheck	689	09/24/2021	Payroll	2	2,340.37	
EFT Employee Paycheck	690	09/24/2021	Payroll	2	2,209.67	
EFT Employee Paycheck	691	09/24/2021	Payroll	2	532.28	
EFT Employee Paycheck	692	09/24/2021	Payroll	2	1,104.43	
EFT Employee Paycheck	693	09/24/2021	Payroll	2	1,689.03	
EFT EFTPS	717	09/24/2021	Payroll	2	4,874.42	
Total Checks:					44,419.17	

September 2021 Other AP Expenditures

Key Peninsula Metro Parks District

Time:

13:23:14 Date: 10/06/2021

09/01/2021 To: 09/30/2021

Page: 1

Voucher Claimant	Trans	Date	Type	Acct #	Amount	Memo
EFT Department of Revenue	720	09/24/2021	Claims	5	10.00	Annual business license
210902001 PEBB Health Insurance	666	09/08/2021	Payroll	5	3,845.92	
210903001 Akramoff, LLC	667	09/08/2021	Claims	5	10,333.28	Interim Parks and Facilities manager per contract.
210903002 CenturyLink	668	09/08/2021	Claims	5	108.74	Phone and internet charge for Gateway Park office.
210903003 Copiers Northwest	669	09/08/2021	Claims	5	31.68	Canon IRC5535 i III rental contract
210903004 H.D. Fowler	670	09/08/2021	Claims	5	237.98	Stainless Rotor W/Nozzle tree hunter.
210903005 Hemley's Handy Kans	671	09/08/2021	Claims	5	243.00	Portable toilets at Gateway/360, Key Central Forest, and Taylor Bay.
210903006 Madrona Law Group PLLC	672	09/08/2021	Claims	5	414.00	Professional service regarding waterline easement.
210903007 Murreys Disposal Company	673	09/08/2021	Claims	5	926.55	Trash pickup service for Gateway Park and Volunteer Park,
210903008 PCRCD, LLC	674	09/08/2021	Claims	5	193.76	Extra trash taken to dump from Gateway Park due to overflow trash.
210903009 Peninsula Light Company	675	09/08/2021	Claims	5	1,044.90	Electric bill for Gateway Park, Taylor Bay, Home Park, and Volunteer Park.
210903010 Verizon Wireless	676	09/08/2021	Claims	5	360.73	Cell phone service for all staff.
210906001 4 Sight Septic, Inc	704	09/23/2021	Claims	5	398.00	Maintenace inspection on commercial septic system at Gateway Park
210906002 Canon Financial Services, INX	705	09/23/2021	Claims	5	121.11	Canon C5535I II rental agreement, Canon Faxboard rental
210906003 Glen Cove Repair LLC	706	09/23/2021	Claims	5	188.00	2015 Chevy Silverado 2500 HD Full vehicle inspection and oil change
210906004 Grandt Veronica L	707	09/23/2021	Claims	5	140.00	Mileage for August 2021
210906005 H.D. Fowler	708	09/23/2021	Claims	5	579.05	Part/Full Circle rotor less nozzle rain bird
210906006 Key Peninsula civic Center	709	09/23/2021	Claims	5	25.00	Rental fee for single party use of premises for Key Peninsula Civic Center Library
210906007 Macumber Helen	710	09/23/2021	Claims	5	55.00	September 19th Gateway Park Pavilion rental cancel
210906008 Simplot Partners Portland	711	09/23/2021	Claims	5	4,735.81	Coated medalist gold and 16-16-16 5%S aggrade eg. Fertilizer and grass seed for parks.
210906009 South Sound Sweeps, INC	712	09/23/2021	Claims	5	326.70	Chimney sweep and Inspection, Firebox Repair at Taylor Bay house.
210906010 US Bank	713	09/23/2021	Claims	5	7,584.29	Truck Fuel, Training for Staff, Batteries, latex gloves, helium, desk for parks and facilites manager, white board, bollards, lumber 2x4, coupleing, carpet, light bulbs, halloween decor, A/V cables
210906011 Washington Water Service Company	714	09/23/2021	Claims	5	525.19	Gateway Park Water Usage
210906012 Waste Xpress	715	09/23/2021	Claims	5	1,277.05	Clor-d-Tect Test, TCLP Test, Environmental & insurance, Transportation, Manifest Fee at Gateway Park. Removal of waste products.
210906013 Wave Broadband	716	09/23/2021	Claims	5	164.10	Internet charges and digital phone for Volunteer Park
Total Checks:					33,869.84	

TRANSACTION JOURNAL

Key Peninsula Metro Parks District

09/01/2021 To: 09/30/2021

Time: 13:24:54 Date: 10/06/2021

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Trans	Date	Redeemed	Acct #	Chk #	Type	Receipt # InterFund #	Vendor	Amount	Memo				
724	09/30/2021	09/30/2021	1		Ser Chge		First Citizens	75.00	Bank service fees.				
	576 80 49 003	Banking Fees		001	General Fund			75.00	Bank service fees.				
725	09/30/2021	09/30/2021	1		Ser Chge		Merch Bankcard service	32.50	Credit card processing fees				
	576 80 49 003	Banking Fees		001	General Fund			32.50	Credit card processing fees				
	Records Printed:		2				Adjustments:	0.00					
							Beginning Balance:	0.00					
							Revenues:	0.00					
							Warrant Expenditures:	0.00					
							Non Warrant Expenditures:	107.50					
							Interfund Transfers:	0.00					
							Redemptions:	0.00					
							Deposits:	0.00					
							Withdrawals:	0.00					
							Stop Payments:	0.00					
Fund					Adjustments		Beg Bal	Revenues	War Exp	N War Exp	IT In	IT Out	Stop Pmts
001 General Fund					0.00		0.00	0.00	0.00	107.50	0.00	0.00	0.00
					0.00		0.00	0.00	0.00	107.50	0.00	0.00	0.00



Regular Meeting: October 11, 2021

Item # 9

To: Board of Park Commissioners
From: Tracey Perkosky, Executive Director
Date: October 11, 2021
Subject: Executive Director's Report

Volunteer Events are in full swing now that school is back in session and the autumn rains have eliminated the fire danger. Volunteer Coordinator Gleason is holding volunteer work parties on the trails typically every other Saturday through the end of the year except around holidays and on October 23rd due to the Harvest Festival and All Hallows Eve. These are from 10:00 AM to 1:00 PM and volunteers can come for the entire time or just an hour or so. Tools and gloves are provided but volunteers are welcome to bring their own. For individuals with limited mobility or would prefer not to walk so far, transportation is provided to the work site. Our goal is to have multiple tasks so that volunteers of all abilities can participate from the casual yard worker to the dedicated trail builder.

There was one event on September 25th at 360 Trails, and seven people worked to clear the brush on Shakedown and lower East Wing. They cleared a lot of brush from along the trail and also higher up to help bike riders from getting nipped in the legs. There is another event on Saturday October 9th at Key Central Forest. Staff will be using the flail mower to clear brush from one trail and volunteers are needed to help pick-up the brush for safe trail use. If time permits, the volunteer work party may be removing some scotch broom from the meadow area as well. For more information on any these upcoming events, interested volunteers can email Jake Gleason at jakeg@keypenparks.com.

The local Girl Scout Troop also refurbished some of the tables in the Gateway Pavilion. They did a wonderful job of sanding off the old finish, painting them to match the existing tables and adding some wonderful messages of inclusion for the community. We thank them for their great work and wonderful messages! Staff followed up with food safe varnish to protect the work and ensure that the tables are safe for use.

Coordinator Gleason is also working on setting up volunteer led bird walks for families and working with a mountain biking enthusiast to coordinate some larger work parties on the mountain biking only trails in the northwest corner of 360 Trails (near the jump lines and Ticket to Ride trail).

Our signature autumn event is coming in just a few weeks – All Hallows Eve combined with the Harvest Festival will be at Gateway Park on Saturday, October 23rd! The Harvest Festival runs from 12:00 Noon to 4:00 PM and will feature a photo-op with Gumdrop the pig, a “makers market” with local vendors to help with your holiday shopping such as handmade pottery, lotions/soaps, leather goods, handmade wooden signs, and much more. There will also be a DJ, games for kids, food trucks and a few concessions.

Event Coordinator Grandt has been reaching out for vendors, coordinating with other park staff and working with the Fire Marshall/Health Department for proper event permits.



Believe it or not, Letters to Santa is just around the corner and staff is busy preparing for a fun holiday time! There could be a special guest – ho, ho, ho! – so December 5th is worth getting on your calendar.

On the maintenance front, Nik Carson joined the team as the Maintenance Worker II. He comes to us from Pierce County and is already a great asset! After 6 ½ weeks, Parks & Facilities Manager Minch resigned effective immediately. The position recruitment will be posted soon. The team has re-seeded Fields 1, 2, and 3 in Volunteer Park as the turf has been neglected over the past few years and was also impacted by the irrigation system failure (now repaired) and the hot weather this summer. In the spring, additional seeding and fertilizing will be needed to maintain the turf for sports purposes. The umbrellas are down at the Splash Pad and leaf blowing has begun. The early rains have brought some leaves off the trees. Gateway Park and Volunteer Park which were rented out for the Farm Tour. Staff has also been putting in a few hours each week on the T360 Trails to remove the brush encroaching on the trails. The team is also cleaning up the park area for the All Hallows Eve and Harvest Festival events.

The utility trailer required new wheel bearings and the Chevy HD (black) pick-up is going in for its inspection mid-month. That will leave only the dump truck needing an inspection and repairs to get the fleet in safe shape.

For budget preparation, all permanent staff members were given a presentation on the details of the budget, where revenues come from, how reliable are the sources, how grants factor into the budget, the definition of “fund balance” and “cash basis accounting”, how expenses are estimated, projects prioritized, the use of the Comprehensive Plan and other policy documents to determine projects, FTE salary calculations, benefit estimates, and more. This was the first time staff was exposed to this level of information and they asked great questions and provided great ideas on budget items. Similar to last year, the draft budget will be released during the meeting.

Fiscal Specialist Armstrong has shared with staff the opt-out information on the new Long Term Care Tax. She is researching any impacts to Commissioners.



Meeting: October 11, 2021

Item # 12a

To: Board of Park Commissioners

From: Tracey Perkosky, Executive Director

Date: October 11, 2021

Subject: Public Hearing on First Draft of 2022 Fund Budget

The Executive Director's proposed 2022 Fund Budget will be presented in its first draft during the public hearing. There has been no public comment received since the last meeting on budget ideas, however an earlier request included shade for the small dog park.

This public hearing will be continued at the Board's discretion at a Special Meeting on October 25th or at the next regular meeting on November 8th for adoption. The resolution for the levy limit will also be presented for Board consideration at the November Regular Meeting.



Regular Meeting: October 11, 2021

Item # 13a

To: Board of Park Commissioners
From: Tracey Perkosky, Executive Director
Date: October 11, 2021

Subject: Authorize Executive Director to Sign Release of Right of First Refusal for Lind Property

The July 12, 2021 Board of Park Commissioners Meeting minutes describe the action regarding the Lind Property as follows “Consensus and direction from the Board was for the Executive Director to contact Erik Pederson and get GPC’s information about the Lind property and talk to the Lind brothers (the heirs) and explore options for Key Pen Parks regarding the Lind property; the Board will revisit this topic later this year.” Full information on the property and background regarding the District’s refusal to purchase the property as indicated in the minutes from the September 10, 2012 and September 8, 2014 meetings is in Attachment 1.

The Executive Director has had several conversations with the Lind brothers and has toured the property. The brothers are unsure currently whether they wish to retain the property for their own use, begin negotiations to sell to Key Pen Parks, or sell to a private party.

In initial conversations, the brothers suggested a purchase price of \$2.5 million. Staff explained the process of appraisals/review appraisals and that the District could not pay over appraisal. Since a market appraisal has not been done on the property, the Executive Director indicated that \$2.5 million seemed high due to the easement and that before the District could spend any funds securing an appraisal that an agreement was needed between the brothers and the District (Board approved) that the property could not be sold to a private party for a period of time, such as 12-18 months, while negotiations and potential grant applications were ongoing.

The brothers are currently securing an outside market appraisal and determining their next steps. While they may opt to sell to Key Pen Parks, the minutes from 2012 and 2014 clearly show that the District declined the original right to purchase the property for \$300,000. The brothers are once again asking for the executed document on the right of first refusal as per direction from their legal counsel. The Executive Director is seeking authorization to sign the form this these actions occurred prior to her appointment. The Executive Director continues to have discussions with the Lind brothers on possible acquisition per the July 12th consensus and direction.

Recommendation: Authorize the Executive Director to sign the Release of Right of First Refusal for the Lind Trust Property

Attachment 1: July 12, 2021 Board Packet on Lind Property

Attachment 2: Release of Right of First Refusal

KEY PENINSULA METROPOLITAN PARK DISTRICT

D.b.a. KEY PEN PARKS

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

253-884-9240 and answers@keypenparks.com

Board Meeting Minutes

Monday, July 12, 2021

This public meeting was a digital Zoom meeting due to Washington State's COVID-19 "Stay Home, Stay Healthy" mandate.

The regular public Zoom meeting was called to order at 7:30 PM by Executive Director Tracey Perkosky. She turned the meeting over to Board President Robison after the Pledge of Allegiance and roll call.

Commissioners Present: Ed Robison, Shawn Jensen, Mark Michel, Linda Parry and Kip Clinton. Staff present for Key Pen Parks: Executive Director Tracey Perkosky and Interim Parks & Facilities Manager Glenn Akramoff.

Citizens present via Zoom: Sami Jensen, Stephanie Andrews and Erik Pederson (Great Peninsula Conservancy).

1. Approval of Agenda: President Robison asked if there were any additions or corrections to the agenda. Hearing none, the agenda was adopted as written.

2. Special Presentations: No special presentations.

3. Citizen Comments: Stephanie Andrews said she lives near Gateway Park and that the dog park is being impacted by runoff from the splash pad; it's making the large dog park swampy. She said it is also pooling in the large field and she would like Key Pen Parks to solve the problem.

4. Approval of Minutes: President Robison asked if there were any objections or corrections to the June 14, 2021, regular meeting minutes; hearing none, the meeting minutes were approved as submitted. He then ask if there were any objections or corrections to the June 24, 2021, special meeting minutes; hearing none, the special meeting minutes were approved as submitted.

5. Financial Report: The June 2021 Springbrook financial balance was \$3,998,996.03. The June 2021 Zoo/Trek deposit was \$17,163.07. Total Zoo/Trek collections to date were \$103,888.91. The June 2021 Real and Personal Property Tax deposit was \$12,945.00. 2021 Real and Personal Property Tax collections to date were \$808,592.19. BIAS Expenditures for June 2021 were \$91,997.72. President Robison asked for reports of the rental income for the Gateway Park pavilion and the Volunteer Park picnic shelter; Executive Director Perkosky said the rental income was trending higher than in the past and she would have Fiscal Specialist Armstrong retrieve the data for the Board. President Robison asked if there were any corrections or objections to the June 2021 financial report. Hearing none the financial report was adopted as submitted.

6. Executive Director's Report: Executive Director Perkosky reported that Key Pen Parks will be staging a new Fun Walk, Run and Ride event on Saturday June 17 and on July 31, Pierce Co. Trails Day, there will be a volunteer trail work party at 360 Trails. Cinema Under the Stars starts Friday August 6 and will happen every Friday in August, alternating between Gateway Park and Volunteer Park. The splash pad and Key Pen Parks' parks have been fully open for 12 days; Executive Director wanted to thank Maintenance Staff and Interim Parks & Facilities Manager Akramoff for the amazing job they did making this happen. She also welcomed Seasonal

Maintenance Allen Sollano to the team. She said she has begun the search for a new full time Parks & Facilities Manager. Splash pad hours have been extended to 11:00 am to 7:30 pm for the summer season. Executive Director Perkosky said staff has noted the dog park flooding issue and are exploring options to solve it. Commissioner Michel asked about the blocked trails at 360 Trails; Executive Perkosky they are closed because of a dangerous tree and a professional tree removal company has been contacted. Commissioner Michel also asked about splash pad water usage; Executive Director Perkosky said the hours will be constant to set baseline data until the end of the season and water usage and costs will be tracked.

7. Board Committee and Advisory Council Reports:

- a) **Land and Improvement Committee (Commissioner Robison):** Commissioner Robison said he will meet with Executive Director Perkosky and Interim Parks & Facilities Manager Akramoff about the splash pad runoff/dog park problem.
- b) **Key Peninsula Parks and Recreation Foundation Report (Commissioner Michel):** Commissioner Michel said the Foundation is focusing on restructuring and still hopes to put on an October Fun Run as a fund raiser.
- c) **Trails Committee (Commissioner Michel):** Commissioner Michel said the trail substrate is very dry and trails need brushing back. He also plans to provide the Executive Director with a more accurate trail map for 360 Trails and Key Central Forest.
- d) **Events Committee (Commissioner Michel):** Commissioner Michel said he has no report other than the new July 17 Fun Run, Walk or Bike Ride event will happen on Saturday. He also said that he would not object if the Events Committee was dissolved.

8. President's Report: President Robison said he's looking forward to getting a new full time Parks & Facilities Manager; he's looking forward to getting a qualified person in there (in that position).

9. Unfinished Business: No unfinished business.

10. New Business:

- a) **Authorize the Executive Director to Execute a Release from Right of First Refusal for the Lind Family Trust Property:** Executive Director Perkosky summarized the history of the Lind Family Trust property in relation to Key Pen Parks. (The Lind Family Trust property is 80 mostly forested acres with a homestead, some out buildings, a shallow pot-hole pond and a second filled lake/probable peat bog/fen at the end of 8th Avenue NW.in Home; it's a long block NW of Home Park.) The Great Peninsula Conservancy holds a perpetual Conservation Easement on the property. She said that a representative of the Lind Family Trust contacted Key Pen Parks in June and requested Key Pen Parks sign a release-from-right-of-first-refusal for the land. The right-of-first-refusal was established in Nancy Lind's will; she was very involved with the creation of Home Park and expressed the desire that the Lind property become a park. Executive Director Perkosky reported that the Key Pen Parks Board had, in 2012 and 2014, expressed future interest in the property but had declined to purchase it at the time. She said the Trust representative had not provided Key Pen Parks with any documents regarding the Conservation Easement. She requested clarification from the Key Pen Parks Board about any action by Key Pen Parks regarding the Lind Family Trust property. Eric Pederson of Great Peninsula Conservancy (GPC) said they and Nancy Lind had crafted the Conservation

Easement and Encumbrances on the Lind Family Trust property. He confirmed Nancy Lind's desire that the property be conserved and used as a public park. He discussed his understanding of the Conservation Easement and Encumbrances and that it should allow for a number of park uses. He expressed a desire on the part of the Great Peninsula Conservancy to work with Key Pen Parks toward preservation of the site. He said he spoke with one of the heirs of the Lind Family Trust and that heir expressed an interest to work with the Park District. Consensus and direction from the Board was for the Executive Director to contact Erik Pederson and get GPC's information about the Lind property and talk to the Lind brothers (the heirs) and explore options for Key Pen Parks regarding the Lind property; the Board will revisit this topic later this year. Erik Pederson said he would provide Key Pen Parks with the Great Peninsula Conservancy documents.

- b) Mid-Year Report:** Executive Director Perkosky started the Mid-Year Financial Report stating she is two weeks shy of her first year in the position of Executive Director Key Pen Parks and that she is very happy. In that year she has looked at the overall organization, safety and integrity of the agency and its employees. She reported on re-organization of staff positions, promotions and new hires. She specifically commended Events Coordinator Grandt for her efforts doing events in a pandemic year and interpreting COVID compliance for the agency and Fiscal Specialist Armstrong for improvements regarding the new-invoice flow chart and payment process. She reported new staff safety training measures have been implemented and communication and moral have improved. She also reported substantial deferred facility and equipment maintenance had been discovered. That will impact the 2021 Budget. Good news regarding the budget is that Zoo/Trek Excise Tax funds have been higher than anticipated, as have property tax collections; the bad news is unbudgeted triage repairs to the Gateway Park caretaker house, barn and storage buildings are estimated to cost \$60,000.00; deferred repairs to Key Pen Parks vehicles are estimated at \$20,000.00. Because of this, creation of a new website will be deferred, some cost savings were realized by a novel alternative to budgeted telephone system replacement and other cost savings were realized a reduction in staff due to the COVID shutdown. Long term budget planning was discussed; Executive Director Perkosky has initiated long-term facility replacement budgeting. She discussed projected Maintenance and Operation budget components in relation to budgeted savings from expected income. She stated that Key Pen Parks will need to adopt a formal Capital Improvements Plan to guide repairs, replacements, facility planning and stewardship. She said the next three (3) months will focus on the 2022 Budget Process, vehicle repairs/replacement, building repairs and the Gateway Park Master Plan Update. Commissioner Robison asked if Executive Director Perkosky looked at requirements for additional staff going forward; Executive Director Perkosky replied that component will be addressed as the Park District moves forward.

11. Other minor matters: No minor matters.

12. Commissioners Comments/Good of the Order: Commissioner Parry extended a welcome to Interim Parks & Facilities Manager Akramoff and said she was happy he is on board and working for Key Pen Parks. Commissioner Robison said that he hoped Interim Parks & Facilities Manager Akramoff would be just that, interim, and not here much longer (meaning he

hopes Key Pen Parks can quickly hire a full time person for that position); Interim Parks & Facilities Manager Akramoff chuckled at the statement and concurred. Commissioner Clinton thanked Executive Director Perkosky for her proactivity regarding park issues and the budget; Commissioners Robison and Jensen concurred.

13. Meeting Adjourned: The public Zoom meeting of July 12, 2021, was adjourned at 8:49 PM. The next regular meeting will be held on Monday, August 9, 2021, at 7:30 PM and may be in person at the Volunteer Park Concession Building or via Zoom per Governor Inslee’s “Stay Home, Stay Healthy” directive. The regular meeting may be preceded by a 7:00 PM study session. Key Pen Parks reserves the fourth Monday of each month for special 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 Commissioner Kip Clinton, Board Clerk.

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Meeting: July 12, 2021

Item # 13a

To: Board of Park Commissioners

From: Tracey Perkosky, Executive Director

Date: July 12, 2021

Subject: Authorize the Executive Director to Draft and Execute a Release from Right of First Refusal for the Lind Family Trust

Background

In mid-June the Executive Director was approached by a representative of the Lind Family Trust and provided the following information. His mother, Nancy Lind, through the Lind Family Trust desired to offer Key Pen Parks through a Right of First Refusal several parcels of land totalling 80 acres near Home Park. This land was, and remains, encumbered with a Conservation Easement held by the Greater Peninsula Conservancy. It is also open space or habitat land as it contains varied topography and many wetlands. He stated that previously Key Pen Parks determined that it did not want to purchase the land but the Family Trust did not receive any written notification. He is requesting a notarized document indicating the release of the Right of First Refusal. He also provided a short summary of the facts as he knows them, copies of the 2 proposed documents in 2012 and 2019 for the written release of the Right of First Refusal.

The documents provided by the Lind Family Trust also refer to Key Pen Parks and the Key Peninsula Parks & Recreation Foundation, sometimes interchangeably. The Executive Director has requested new copies of the refusal template for only Key Pen Parks prior to executing any document. The document will also be reviewed by our contract attorney. The Director indicated to the Lind Family Trust that we are two separate organizations and recommended that the Family Trust also contact the Board of the Foundation.

Per Key Pen Parks Meeting Minutes from September 10, 2012 and September 8, 2014, this item came before the Board of Park Commissioners, and in 2012 there was a 5/0 vote declining the property and in 2014 a “consensus” was reached that the land could be pursued at a future time but not in 2014.

With the meeting minutes, it appears as though the property was refused. However, with the turnover in staff the Executive Director is requesting approval to execute the required documents and/or issue a written letter. This matter was reviewed by our contract attorney who agrees that the timeline has passed/Key Pen Parks has released the Right of First Refusal.

Recommended Action: Authorize the Executive Director to issue a written release of the Right of First Refusal per the direction provided by the Board meeting minutes in 2012 and 2014

Attachment 1: Minutes from Meeting on September 10, 2012

Attachment 2: Minutes from Meeting on September 8, 2014

Attachment 3: Summary from Lind Family Trust



Attachment 4: Right of First Refusal 2012

Attachment 5: Right of First Refusal 2019

KEY PENINSULA METROPOLITAN PARK DISTRICT

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

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

253-884-9240 and answers@keypenparks.com

Board Meeting Minutes

Monday September 10, 2012

The regular meeting was preceded by a study session/staff report: The September 10th meeting was held at the newly acquired property recently named “Key Peninsula Gateway Park.” Citizens attending the meeting were invited to walk around the grounds and buildings on the property. The study session started at 7:18 PM. Executive Director Gallacher reviewed the staff report; staff is currently working on 2013 budget and will have a draft for the October meeting.

The public meeting was called to order at 7:30 PM in the Key Peninsula Gateway Park Building by President Greg Anglemyer.

Commissioners Present: Greg Anglemyer, Kip Clinton, Ed Robison, Bill Trandum, and Mark Michel. Staff present for Key Pen Parks: Executive Director Scott Gallacher and Administrative Assistant Laura Armstrong.

Citizens Present: Frank and Colleen Slater, Jason Moberg, Barbara Rowland, Judy and Don Mills, Margret Campbell, also Bill Sawaya and Todd Vanscoyk from the Key Peninsula Fire Department.

Pledge of Allegiance: Recited.

Approval of Agenda: Commissioner Anglemyer asked if there were any objections or changes to the agenda, hearing none, the agenda was approved.

Special Presentations: none

Citizen Comments: Citizens congratulated the Park for saving the land (Key Peninsula Gateway Park).

Business Meeting

1. Minutes: Commissioner Anglemyer asked if there were any corrections or objections to the September 10, 2012 meeting minutes, hearing none, the September 10th meeting minutes were accepted as written.

2. Financial Report: The August 31, 2012, Pierce Co. Budget and Finance balance was \$1,103,356.05. The Zoo Trek deposit was \$10,155.67, a decrease of \$54.16 from the same time period in 2011. Total Zoo Trek collections to date are \$75,493.00. Real and Personal Property Tax collections were \$4,501.77 and 2011 delinquent property tax was \$529.00. Total 2012 Real and Personal Property Tax collections to date are \$338,648.00. Total delinquent property tax collected for 2011 was \$23,860.00. The First Citizens Bank balance shows \$5,453.23 as of August 31, 2012. Augusts’ expenses totaled \$54,872.95.

3. Staff Report: The staff report was reviewed

4. Board Committee and Advisory Council Reports:

a. Land and Improvement Committee (Commissioner Trandum): No new update.

b. Key Peninsula Park and Recreation Foundation Report (Commissioner Trandum):

Commissioner Trandum presented the commissioners with a copy of the Key Peninsula Park and Recreation Foundation information letter; this letter gave information introducing the foundation. The Letter was sent to approximately 250 citizens with vacation homes on the Key Peninsula who have mailing addresses out of the area.

The Key Peninsula Park and Recreation Foundation will set up a booth at the Key Peninsula Gateway Park during the Farm Tour on October 6, 2012.

c. Trail updates (Commissioner Michel): Commissioner Michel did a walk-about with Stan Fleming and Bryan Stacy at an area along the Key Peninsula Highway between Key Center and the Red Barn. Bryan Stacy is looking into finding funds to improve the right-a-way/path alongside the highway.

5. Board President's Report: Commissioner Anglemyer stated, he very happy with how things worked out with the new Key Peninsula Gateway Park acquisition. He encouraged people in the community to attend future meetings to give input for future usages.

6. Unfinished Business/Naming of DNR Key Center Property (480) (Note: from August 13th meeting). By a consensus of the Key Pen Parks Board of Commissioners with a vote of 5/0 the new name will be "Key Central Forest." Commissioner Anglemyer stated it was brought to his attention that a formal motion was not made before the vote and asked for a motion to be made. Commissioner Michel made a motion "to name the DNR 480 property Key Central Forest." Commissioner Clinton seconded the motion and the Motion was passed 5/0.

7. New Business/Lind property first right of refusal: Nancy Lind's attorney approached the Key Peninsula Park and Recreation Foundation with an offer for "First right of Refusal" on 80 acres of land currently owned by Mrs. Lind. This Offer contained specific items with included; purchasing the land at \$300,000 within one year of Mrs. Lind's death and turning this land into a park within five years. Commissioner Trandum's recommendation was to politely decline this offer unless the offer was for an unrestricted right of first refusal at fair market value. Commissioner Trandum made a motion "that we decline Nancy Linds' proposal having to do with her estate and the Lind property." Commissioner Michel seconded the motion and the motion was passed 5/0.

8. New Business/Key Peninsula Farm Tour: The date of the Farm tour is on Saturday October 6th from 10:00am to 4:00pm. Key Pen Parks will have an open house at the Key Peninsula Gateway Park during this event. The Farm Tour committee will have an information booth setup at the Key Peninsula Gateway Park. Commissioner Anglemyer has invited a few local organizations to set up booths as well; these include the Key Peninsula Historical Society and the Key Peninsula Park and Recreation Foundation.

9. New Business/Discussion for Caretaker at Key Peninsula Gateway Park: Executive Director Gallacher asked the board for permission to investigate the idea for a caretaker; this person would rent the second floor of the house on the Key Peninsula Gateway Park property. To accommodate this, modifications would have to be made to the house. Executive Director Gallacher will calculate the amount of rent (based on market value) the Park District would charge and deducting the value of the amount of work the caretaker would be responsible for each month. The board granted Executive Director Gallacher permission to move forward with his investigation placing a caretaker on the Key Peninsula Gateway Park property.

10. New Business/2013 Budget Hearing Dates-October 8 and November 13 with possible additional dates of October 22 or November 26: RCW requires the Park District hold 2 budget hearing meetings; these meetings can be in conjunction with regular meetings. The commissioner felt that an addition meeting should be held and set October 22 as an additional meeting date. November 26th may be added in the future if the commissioner feels any other meetings are considered necessary.

New Business/Preliminary ranking of RCO grant for Key Peninsula Gateway Park: Key Pen Parks ranked third for acquisitions and 26th overall. This program funds half acquisitions and half developments. Since the grant Key Pen Parks applied for is an acquisition grant, Executive Director Gallacher stated he felt Key Pen Parks might stand a good chance of being awarded grant money for the Key Peninsula Gateway Park property.

11. Executive Session/ Property Acquisition-15 minutes; action anticipated: The Executive Session started at 8:07pm and ended at 8:21 pm; the regular public meeting reconvened at that time. Commissioner Anglemyer stated that the executive session involved discussion on property adjacent to the Key Central Forest referred to as "the Ketchum property" in previous discussions;

the Park District has been in negotiations with the property owner for the past few months and the owner has agreed to accept the Park District's final offer. Commissioner Robison made a motion "that we authorize to proceed with offering Ketchum the appraised price of \$50,500.00 to purchase the property and that the Park District is authorized to pay the additional closing costs, legal fees and whatever is required to complete the purchase." Commissioner Robison amended his motion to include "the property in the current condition without any tree removal or logging." Commissioner Trandum seconded the motion and the motion was passed 5/0.

12. Approval of other minor matters: none

13. Commissioners Comments/Good of the Order: none

14. Meeting Adjourned: The regular public meeting of September 10, 2012, was adjourned at 8:27 PM. The regular October meeting will be on October 8, 2012 at 7:30PM at the Volunteer Park building and may be preceded by a 6:30PM study session. Key Pen Parks reserves the fourth Monday of each month for special 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: Laura Armstrong, Administrative Assistant.

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KEY PENINSULA METROPOLITAN PARK DISTRICT
d.b.a. KEY PEN PARKS
P.O. Box 70, Lakebay, WA. 98349
253-884-9240 and answers@keypenparks.com
Board Meeting Minutes
Monday September 8, 2014

The regular meeting was preceded by a 7:00 PM study session/staff report. Don Campbell, of Robert W. Droll Landscape Architects, thanked the Board of Commissioners for accepting their firm for the Gateway Park Conceptual Master Plan project.

The public meeting was called to order at 7:30 PM in the Volunteer Park Office by President Bill Trandum.

Commissioners Present: Ed Robison, Kip Clinton, John Kelly, Mark Michel and Bill Trandum. Staff present for Key Pen Parks: Executive Director Scott Gallacher, Administrative Assistant Laura Armstrong, and Maintenance Supervisor Matt Woodward.

Citizens present: Don and Terri Campbell.

Pledge of Allegiance: Recited.

Approval of Agenda: Commissioner Trandum asked if there were any objections or changes to the agenda; Commissioner Clinton asked to have a discussion regarding creating a potential web policy added under New Business. The amended agenda was approved.

Special Presentations: There were no special presentations.

Citizen Comments: none

Business Meeting

1. Minutes: Commissioner Trandum asked if there were any objections or correction to the August 11, 2014 meeting minutes, hearing none, the August 11, 2014 meeting minutes were approved as written.

2. Financial Report: The August 2014 Pierce Co. Budget and Finance balance was \$1,658,986.83. The Zoo Trek May deposit was \$12,038.16. Total Zoo Trek collections to date are \$89,430.02. Real and Personal Property Tax collections were \$3,488.61 and 2013 delinquent property tax was \$469.90. Total 2014 Real and Personal Property Tax collections to date are \$391,423.94. Total delinquent property tax collected for 2013 was \$24,828.70. The First Citizens Bank balance shows \$4,050.63 as of August 31, 2014 \$49,928.96. Commissioner Trandum asked if there were any corrections or objections to the August financial report, hearing none, the August 2014 financial report was accepted as submitted.

3. Staff Report: The staff report was reviewed during the study session.

4. Board Committee and Advisory Council Reports:

a. Land and Improvement Committee (Commissioner Robison): The amended easement between Manke's property and the southeast corner of the Gateway Park property is now complete and will be recorded with Pierce County within the week.

Executive Director Gallacher has asked Rob Homes to review the title for the tax title property along "Pole Line Road"; this property is being looked at for possible future swap with Manke property connecting 360 Trails to Gateway Park. Board consensus was to have Commissioner Michel, Commissioner Robison and Executive Director Gallacher look at the Pole Line Road tax title 18 acres; the cost to Key Pen Parks to purchase this property from Pierce County is approximately \$3500.00.

b. Key Peninsula Park and Recreation Foundation Report (Commissioner Trandum): The Foundation board will be meeting tomorrow; this will be Mike Hays last day as president.

c. Trail Updates (Commissioner Michel): Commissioner Michel stated he has a meeting on September 9th with representatives from the equestrian group to look at possible future trail options along the northern boundary of 360 Trails.

d. Recreation Committee (Commissioner Kelly): Commissioner Kelly is currently working on recruiting volunteers for the Harvest Party event; date is set for October 18, 2014.

5. Board Presidents Report: none

6. New Business/ Gateway Conceptual Master Consultant Contract: Commissioner Robison made a motion that "we authorize the Executive Director to enter into a contract with the selected consultant for the Gateway Master Plan." Commissioner Clinton seconded the motion and the motion was passed 5/0.

7. New Business/ Lind Property First Right of Refusal: Executive Director explained that Mrs. Lind had stated that her wishes were to offer Key Pen Parks "First Right of Refusal" to her property when she passed away. Mrs. Lind's legal counsel drafted up a contract that includes the estimated value for this property. After some discussion the consensus among the Commissioners was that at some point in the future the land may be of some interest to the Park District but right now the Park District chooses not to act on this offer.

8. New Business/Proclamation thanking Mike Hays: NOTE: during the August 11th meeting Commissioner Robison made a motion "that we issue a proclamation thanking Mike Hays for all of his great work on the Park Foundation." Commissioner Clinton seconded the motion and the motion was passed 4/0. The proclamation was read by Executive Director Gallacher and Commissioner Trandum made a motion "that we adopt this proclamation and authorize me to give it to Mike in appreciating at their (his) final meeting tomorrow". Commissioner Clinton seconded the motion and the motion was passed 5/0.

9. New Business/Review of Executive Director: Commissioner Clinton stated that after reviewing the follow up to the Executive Directors annual review from March 2014, the HR committee has authorized a pay increase of 2% to take effect as of September 1, 2014. Commissioner Clinton made a motion "that we approve a 2% salary increase, cost of living salary increase that is retroactive to September 1 for the Executive Director". Commissioner Michel seconded the motion and the motion was passed 5/0.

10. New Business/Discussion on potential web policy: Commissioner Clinton stated that she has been following other public agencies' problems regarding Public Records Act, the web and social media. She wanted the commissioners to start thinking about adding/creating a web policy for the Park District. Executive Director Gallacher will be attending a social media webinar next week.

10. Other minor matters: none

11. Commissioners Comments/Good of the Order: none

12. Meeting Adjourned: The regular public meeting of September 8, 2014, was adjourned at 8:10pm. The special meeting for the Gateway Park master plan goals and vision discussion will be on Monday September 22, 2014 at 6:00 PM at the Volunteer Park annex building and the regular October meeting will be held on October 13, 2014 and may be preceded by a 7:00 PM study session. Key Pen Parks reserves the fourth Monday of each month for special 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: Laura Armstrong, Administrative Assistant

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Right of First Refusal History Summary

Lind Family Trust

History Nancy Lind worked with the Key Peninsula Parks on many projects

- A) 9/21/1999 Nancy Lind created a Right of First Refusal to the Key Peninsula Parks and Recreation Foundation to purchase the Lind Home property.
- B) 7/24/2012 Nancy Lind presented the Right of First Refusal to the leadership at Key Pen Parks. Based on the information and purchase requirements the leadership declined. (see Exhibit "A" of document)
- C) Despite Key Pen Park's rejection Nancy Lind failed to modify her estate planning to remove the right of refusal from the trust.
- D) 2/14/2014 Nancy Lind passed and David Lind became the Successor Trustee
- E) Several months later David Lind again presented the Right of First Refusal to the leadership of the Key Peninsula Parks. Again it was rejected because of cost and time requirements.
- F) 2/14/2015 (one year after the death of Nancy Lind)

The requirement for Key Peninsula Parks leadership to respond and be delivered in writing to the Successor Trustee within one (1) year from the death of Nancy Lind passed and as per the document requirements the Right of First Refusal lapsed.

G) There was never a signature required for Key Peninsula Parks to decline the purchase. The only requirement was to respond in writing within one year from Nancy's Lind death if wanting to purchase the property.

We were advised a couple of years ago this is still an open item and we should have a formal notarized **Release of Right of First Refusal**.

RIGHT OF FIRST REFUSAL

THIS AGREEMENT made by and between Nancy C. Lind, as Trustee of the Lind Family Trust Dated September 21, 1999 (hereinafter referred to as "Seller"), and the Key Peninsula Metropolitan Park District, or alternatively its affiliate, the Key Peninsula Parks and Recreation Foundation (hereinafter collectively referred to as "Purchaser").

WITNESSETH:

FOR AND IN CONSIDERATION of valuable consideration, receipt of which is hereby acknowledge by Seller, it is agreed between the parties as follows:

(1) The Seller is presently the owner of the following described Subject Property, located in Pierce County, Washington:

Tax Parcel Nos: 0021262000, 0021262011, 0021262024, & 0021262025
(All subject to Conservation Easement recorded under Pierce County File No. 9401030365).

See Exhibit "A" for legal descriptions.

(hereafter "Subject Property")

(2) Upon the death of Nancy C. Lind, the Seller hereby grants to Purchaser a right of first refusal to purchase the Subject Property owned by the Seller if purchased for the sole purpose of creating a park for the use and enjoyment of the general public (the "Park"). The right of first refusal shall be exercised in the following manner.

(a) The initial decision by the Purchaser to exercise the right of first refusal must be made in writing and delivered to the Successor Trustee of the Seller within one (1) year from the date of death of Nancy C. Lind. If such Notice is not received within such time frame, the right of first refusal shall lapse and the Subject Property shall be distributed pursuant to Section 3.08 of the Seller's Trust Agreement.

(b) Once such Notice is provided to the Successor Trustee of the Seller, the Purchaser shall have a total of five (5) years from the date of Nancy C. Lind's death to develop a comprehensive park plan; obtain all necessary government licenses and permits to build such Park; and obtain the requisite independent funding to construct such Park.

(c) If all prerequisite steps are accomplished within such timeframe, upon the payment by Purchaser to Seller of the cash sum of Three Hundred Thousand Dollars (\$300,000), the Successor Trustee of the Seller shall convey outright and free of trust the Subject Property to the appropriate purchasing entity.

(d) If the prerequisite steps are not accomplished by the stated timeframe, then the right of first refusal shall lapse on the fifth anniversary of Nancy C. Lind's death and the Subject Property shall be distributed pursuant to Section 3.08 of the Seller's Trust Agreement.

(e) In the event the Purchaser purchases the Subject Property, then the Subject Property shall be conveyed from Seller to Purchaser by statutory warranty deed and Purchaser shall be provided a policy of title insurance at time of closing insuring fee simple title in the Seller.

(f) The sale shall be closed in the office of an attorney or escrow company agreeable to the parties, and if the parties cannot agree upon the office, then in the escrow office of the title insurance company furnishing the title insurance policy, and shall be closed within sixty (60) days of the date of issuance of a preliminary commitment for title insurance showing title insurable as above provided. The parties will, on demand, deposit in escrow with the closing agent all instruments and monies necessary to complete the purchase in accordance with this Agreement; the closing costs shall be paid one-half by Seller and one-half by Purchaser.

(3) This Agreement shall remain revocable until the death of Nancy C. Lind at which time the rights and obligations herein shall fully vest in Seller and Purchaser.

(4) This Agreement shall remain enforceable against the heirs, successors and assigns of the Parties hereto.

/ / / /

/ / / /

(5) In the event an arbitration, suit or action is brought by any party under this Agreement to enforce any of its terms, or in any appeal therefrom, it is agreed that the prevailing party shall be entitled to reasonable attorneys fees and costs to be fixed by the arbitrator, trial court, and/or appellate court.

DATED this _____ day of _____ 2012.

Purchaser:

Key Peninsula Metropolitan Park District

Key Peninsula Parks and Recreation
Foundation

By: _____
Its: _____

By: _____
Its: _____

Seller:

Lind Family Trust
dated September 21, 1999

By: Nancy C. Lind
Its: Trustee

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

On this day before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared _____ to me known to be _____ of the Key Peninsula Metropolitan Park District, the entity described herein and that he/she executed the within and foregoing instrument on behalf of the Key Peninsula Metropolitan Park District, and acknowledged that he/she signed the same as his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this ____ day of _____ 2012.

Printed Name: _____
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

On this day before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared _____ to me known to be _____ of the Key Peninsula Parks and Recreation Foundation, the entity described herein and that he/she executed the within and foregoing instrument on behalf of the Key Peninsula Parks and Recreation Foundation, and acknowledged that he/she signed the same as his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this ____ day of _____ 2012.

Printed Name: _____
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

On this day before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared Nancy C. Lind, to me known to be Trustee of the Lind Family Trust dated September 21, 1999, the entity described herein and that she executed the within and foregoing instrument on behalf of the Lind Family Trust dated September 21, 1999, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this _____ day of _____ 2012.

Printed Name: Jacob L. Potak
NOTARY PUBLIC in and for the State of
Washington, residing at Gig Harbor
My commission expires: 6-10-2015

EXHIBIT "A"

Parcel A: No. 0021262000

The southwest quarter of the northwest quarter of Section 26, Township 21 North, Range 1 West of the W.M., in Pierce County, Washington.

Parcel B: No. 0021262011

Commencing at the southeast corner of the southeast quarter of the northwest quarter of Section 26, Township 21 North, Range 1 West of the W.M., in Pierce County, Washington; thence west 400 feet to the point of beginning; thence continuing west 475 feet; thence north 725 feet; thence east 300 feet; thence north 400 feet; thence east 175 feet; thence south 1125 feet to the point of beginning.

Parcel C: No. 0021262024

Beginning 400 feet west and 295 feet south of the northeast corner of the southeast quarter of the northwest quarter of Section 26, Township 21 North, Range 1 West of the W.M., in Pierce County, Washington; thence east 200 feet; thence south 200 feet; thence west 50 feet; thence south 300 feet; thence west 150 feet; thence north to point of beginning.

Parcel D: No. 0021262025

The southeast quarter of the northwest quarter of Section 26, Township 21 North, Range 1 West of the W.M., in Pierce County, Washington;

Except that portion described as follows:

Beginning at a point 875 feet west of the southeast corner of the southeast quarter of the northwest quarter of said Section 26; thence north 725 feet; thence east 300 feet; thence north 400 feet; thence east 175 feet; thence south 100 feet; thence east 200 feet; thence south 200 feet; thence west 50 feet; thence south 300 feet; thence west 150 feet; thence south to the south line of the southeast quarter of the northwest quarter; thence west along said south line to the point of beginning.

**RELEASE OF
RIGHT OF FIRST REFUSAL**

THIS AGREEMENT made by and between David R. Lind, as Successor Trustee of the Lind Family Trust Dated September 21, 1999 (hereinafter referred to as "Lind"), and the Key Peninsula Metropolitan Park District and the Key Peninsula Parks and Recreation Foundation (hereinafter collectively referred to as "Key Pen Parks").

WHEREAS, Lind is the owner of certain real property located in Pierce commonly referred to as Tax Parcel Nos: 0021262000, 0021262011, 0021262024, & 0021262025 (All subject to Conservation Easement recorded under Pierce County File No. 9401030365) (hereafter "Subject Property");

WHEREAS, pursuant to her estate planning, Nancy C. Lind executed a First Amendment to the Lind Family Trust in a document dated July 24, 2012 (see Exhibit "A" for a redacted copy of such First Amendment);

WHEREAS, such First Amendment provides to Key Pen Parks a right of first refusal to purchase the Subject Property based on certain terms and conditions;

WHEREAS, prior to Nancy C. Lind's death, she contacted the leadership at Key Pen Parks expressing her intention to provide to Key Pen Parks such right of first refusal. Based on information and belief, such individuals indicated their disinterest in the right of first refusal;

WHEREAS, despite Key Pen Park's rejection of the right of first refusal offer, Nancy C. Lind failed to modify her estate planning to remove such right of first refusal from her testamentary trust; and

WHEREAS, the Successor Trustee, David R. Lind and the other associated beneficiaries of the Lind Family Trust, desire to have it formally acknowledged that Key Pen Parks formally releases its interest in such right of first refusal.

NOW, THEREFORE, in consideration of valuable consideration, receipt of which is hereby acknowledged by the parties, it is agreed between the parties as follows:

1. Key Pen Parks hereby releases its interest in the right of first refusal detailed in Section 3.07 of the Lind Family Trust dated September 21, 1999.

DATED this _____ day of _____ 2019.

Key Peninsula Metropolitan Park District

Key Peninsula Parks and Recreation
Foundation

By: _____
Its: _____

By: _____
Its: _____

Lind Family Trust
dated September 21, 1999

By: David R. Lind
Its: Successor Trustee

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

On this day before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared _____ to me known to be _____ of the Key Peninsula Metropolitan Park District, the entity described herein and that he/she executed the within and foregoing instrument on behalf of the Key Peninsula Metropolitan Park District, and acknowledged that he/she signed the same as his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this _____ day of _____ 2019.

Printed Name: _____
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

On this day before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared _____ to me known to be _____ of the Key Peninsula Parks and Recreation Foundation, the entity described herein and that he/she executed the within and foregoing instrument on behalf of the Key Peninsula Parks and Recreation Foundation, and acknowledged that he/she signed the same as his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this _____ day of _____ 2019.

Printed Name: _____
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

On this day before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared David R. Lind, to me known to be Successor Trustee of the Lind Family Trust dated September 21, 1999, the entity described herein and that he executed the within and foregoing instrument on behalf of the Lind Family Trust dated September 21, 1999, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this _____ day of _____ 2019.

Printed Name: Jacob L. Potak
NOTARY PUBLIC in and for the State of
Washington, residing at Gig Harbor
My commission expires: 6-10-2015

**RELEASE OF
RIGHT OF FIRST REFUSAL**

THIS AGREEMENT made by and between David R. Lind, as Successor Trustee of the Lind Family Trust Dated September 21, 1999 (hereinafter referred to as "Lind"), and the Key Peninsula Metropolitan Park District (hereinafter referred to as "Key Pen Parks").

WHEREAS, Lind is the owner of certain real property located in Pierce commonly referred to as Tax Parcel Nos: 0021262000, 0021262011, 0021262024, & 0021262025 (All subject to Conservation Easement recorded under Pierce County File No. 9401030365) (hereafter "Subject Property");

WHEREAS, pursuant to her estate planning, Nancy C. Lind executed a First Amendment to the Lind Family Trust in a document dated July 24, 2012 (see Exhibit "A" for a redacted copy of such First Amendment);

WHEREAS, such First Amendment provides to Key Pen Parks a right of first refusal to purchase the Subject Property based on certain terms and conditions;

WHEREAS, prior to Nancy C. Lind's death, she contacted the leadership at Key Pen Parks expressing her intention to provide to Key Pen Parks such right of first refusal. Based on information and belief, such individuals indicated their disinterest in the right of first refusal;

WHEREAS, despite Key Pen Park's rejection of the right of first refusal offer, Nancy C. Lind failed to modify her estate planning to remove such right of first refusal from her testamentary trust; and

WHEREAS, the Successor Trustee, David R. Lind and the other associated beneficiaries of the Lind Family Trust, desire to have it formally acknowledged that Key Pen Parks formally releases its interest in such right of first refusal.

NOW, THEREFORE, in consideration of valuable consideration, receipt of which is hereby acknowledged by the parties, it is agreed between the parties as follows:

1. Key Pen Parks hereby releases its interest in the right of first refusal detailed in Section 3.07 of the Lind Family Trust dated this ____ day of October 2021.

DATED this ____ day of October, 2021
Key Peninsula Metropolitan Park District

By: _

Its: _

Lind Family Trust
dated this ____ day of October, 2021
By: David R. Lind

COUNTY OF PIERCE)

On this day before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared to me known to be of the Key Peninsula Metropolitan Park District, the entity described herein and that he/she executed the within and foregoing instrument on behalf of the Key Peninsula Metropolitan Park District, and acknowledged that he/she signed the same as his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this __ day of _____ 2021.

Printed Name:

NOTARY PUBLIC in and for the State of

Washington, residing at _

My commission expires: _

STATE OF WASHINGTON)

) ss.

COUNTY OF PIERCE)

On this day before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared David R. Lind, to me known to be Successor Trustee of the Lind Family Trust dated September 21, 1999, the entity described herein and that he executed the within and foregoing instrument on behalf of the Lind Family Trust dated September 21, 1999, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this __ day of _____ 2021.

Printed Name:

NOTARY PUBLIC in and for the State of

Washington, residing at

My commission expires: