



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

Special Board Meeting

*(Meetings may be videotaped or recorded)*

AGENDA

September 23, 2021

7:00 PM – Special Meeting

<https://us06web.zoom.us/j/82603321359?pwd=QVFUM3NueC9sWmRRcVINL080anQ1QT09>

Meeting ID: 826 0332 1359      Passcode: 018867

Call in (253) 215-8782

Members of the Board of Park Commissioners

Ed Robison, President

Shawn Jensen, Vice President

Mark Michel, Member-at-Large

Kip Clinton, Clerk

Linda Parry, Member-at-Large

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**Special Meeting – 7:00 PM**

**1. Call to Order**

**2. Roll Call**

Present    Excused      Comment

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

**3. Pledge of Allegiance**

**4. Approval of Agenda**

5. **Public Comments:** *Limited to 3 minutes per issue per person. Speaker will state name and their address. If providing handouts, please email them to the Executive Director no later than 2 hours before the start of the meeting at [tracey@keypenparks.com](mailto:tracey@keypenparks.com).*

*PUBLIC PARTICIPATION IN BOARD MEETINGS – As a Special Meeting Public comment is only permitted on the listed agenda items. 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.*

6. **Unfinished Business**
  - a. Splash Pad
7. **Good of Order/Comments by Board Members**
8. **Next Regular Meeting October 11, 2021**
9. **Adjournment**



Special Meeting: September 23, 2021

Item # 6a

To: Board of Park Commissioners  
From: Tracey Perkosky, Executive Director  
Date: September 23, 2021  
Subject: Splash Pad

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In late 2018/early 2019, plans were moving forward to design and construct a Splash Pad and Dog Park. The Splash Pad work was underway when the decision was made to construct the Dog Park. On January 14, 2019 Board discussion on a potential dog park location. In June 2019, the minutes reference dog park construction starting soon. The dog park was completed in early 2020. This location per the minutes is designated to be the “summer location” while unstated this is due to the wet and muddy conditions in that section of the park. A future “winter” location will be planned.

After a question from Don Campbell of Robert W. Droll Landscape Architects regarding the location of a portion of the dog park fence in location in a salmon bearing stream buffer, Pierce County notified the District in August 2021 that “Even though the fence was installed through the 150-foot buffer, this area had been maintained for years prior to the park and was allowed to keep being maintained/mowed. That is why the blue critical area signs were installed at the edge of the treed area. With the dog park requirements, signage and poop bags in place for cleaning up after your dog, the fence may remain in place where constructed.”

The timeline on the Dog Park is important in that the full impacts of the Splash Pad may not have been considered since this was an undeveloped open area when initial planning and design for the Splash Pad was underway. The wet, muddy areas which have arisen are a primary issue due to dog park impacts.

The Splash Pad experienced several delays in construction largely due to impacts from the Covid-19 Pandemic and related shutdowns/capacity limitations. While the proposed timeline had it opening in 2020, it remained under construction during that time. It opened for the 2021 season on Memorial Day weekend at full capacity after restrictions were eased by the WA State Department of Health.

The Splash Pad currently has one of the highest construction costs, if not the highest, in the District. This is to be anticipated as these are very expensive amenities for parks across the country. As such, when small amounts of excess water began cropping up along the storm water structure in the northwest corner of the multi-purpose field in early July it was obviously concerning and staff began monitoring it. The initial question was how was the water flowing, was there a blockage or some other issue. The other issue being monitored was if the water seemed to be “storing up” somewhere because it could not drain overnight or was it a function of the high use of the splash pad at this time. These soils are known to be very impervious and also to have a high water table. This was determined in the original geotechnical report completed after the creation of Gateway Park.

Staff began more extensive monitoring and the wet/marshy area began to grow due the amount of water and the seemingly inability of it to sink in, or perhaps it was rising upward through the soil layers. After staff reviewed several ideas on potential solutions particularly for the dog park area which was growing



wetter and muddier by the day, it was determined that additional, more technical information was needed to ensure a successful review of alternatives and to devise a solution.

Shortly thereafter we received a complaint about the water in the dog park via email and then via public comment, by the same individual, at the July Board of Park Commissioners Meeting.

Following the July Board meeting, Commissioners Robison and Michel met with Executive Director Perkosky and then Interim Parks & Facilities Manager Akramoff to discuss the water run off issue. Commissioner Robison suggested either creating or extending an underground infiltration system under the multi-purpose field. The Executive Director said that she would look into the idea.

At this time, staff reached out to Don Campbell, the consultant who worked on the design and performed the construction management of the project. This later role was very important in that he had in-depth knowledge of the project especially due to impact of the loss of the former Executive Director. Mr. Campbell met on-site with staff. Mr. Campbell stated that this was not an unexpected issue which he had brought up with former Executive Director Gallacher, however the decision to move forward with this design was solely to due project budget. Mr. Campbell suggested several options which were brainstormed with staff, however due to the intersection of this project with the stormwater system in the winter and the dog park, all options would require additional analysis. Some of the ideas suggested were exploring Commissioner Robison's idea on the underground infiltration system, possibly creating a dog park amenity out of this problem such as running "stream" which fills with the water during the day and then runs off at night, creating a swale/ditch along the south fence of the dog park, creating a deep rock filled well as water storage for slow infiltration, etc. Concerns were voiced regarding the silt and runoff during rainy season and potential impacts to any proposed solution. In other words, staff was concerned that the solution to one problem had the potential to cause another.

At this point, staff including myself, were spending more time in the dog park area monitoring the water. Several dog park users asked about the water as they were curious but were nonplussed by it once the source was explained. As the puddles grew, the Executive Director decided to close the park while repairs were being planned and then underway, however the voices to re-open the park were many and so the muddy area was fenced off to discourage dogs from entering the area.

Initially, Mr. Campbell was asked to submit a small proposal to help identify some project alternatives and offer the Board some options to solve the problem. Mr. Campbell was selected to do this as he has such great knowledge from working on this project and Gateway Park for so many years that additional fees would not be needed to get his knowledge "up to speed". This agreement was referenced to the Board that approval for the funds may be needed to due the cost, however it was not due to being under \$10,000 and within the Director's signing authority and operational purview. Director Perkosky held off on signing it when President Robison notified her that he would be adding this item to the August Board agenda.

During the August Board Meeting, as listed by the minutes and adopted unanimously at the September 13, 2021 Board meeting "Consensus was to move forward, at this time, by exploring various options while gathering additional soil and elevation data, as proposed by the consultant [Don Campbell] (on a voice tabulation of 4/1)". As such the Executive Director began discussions to revise a proposal/agreement with Droll Landscape Architects and secure information/costs on soil or geotechnical services.



Executive Director Perkosky moved forward with a lump sum agreement in the amount of \$5,200 to keep the costs low with Droll Landscape Architects. This work on this project is already in progress. The Scope of work is:

**A. Scope of Work**

This assignment includes the work to be performed by the consultant team of RW Droll Landscape Architects, (hereinafter “the Consultant”), to help Key Pen Parks identify areas at Gateway Park with soils conducive to long-term, positive infiltration, that can be used to eliminate areas of saturated ground in the off-leash dog park, created by splash pad runoff.

This Proposal is based a request from Tracey Perkosky, Key Pen Parks Executive Director, to complete explorations and testing of the soil conditions at Gateway Park; to characterize near- surface soil and groundwater conditions, develop geotechnical engineering conclusions and recommendations, and determine if infiltrating the runoff from the park's splash pad is a practical alternative to underground piping to an outfall area outside the off-leash dog park.

**B. Basis of Proposal**

This proposal is conditioned as follows:

1. The work designed to mitigate the wet areas has been determined by Pierce County PALS to fall under PCC Code Section 18's definition of "maintenance of existing stormwater structures", and is therefore exempt from permitting requirements.
2. All work associated with soils testing and characterization, infiltration rate estimation, Pilot Infiltration testing, shall be performed by a licensed, professional geotechnical engineering consultant contracted separately with the Key Pen Parks.
3. Key Pen Parks shall provide a backhoe, with operator, capable of digging a test pit up to 8 ft. deep, by 24 in. min. wide, for the purposes of evaluating the subsurface soils conditions.
4. Key Pen Parks shall provide a source of water for infiltration testing, either by hydrant or water truck, capable of up to 20 gallons per minute, continuously for up to 4 hours.

**C. Description of Services**

**Task 1.01 Preliminary Infiltration Gallery Sizing and Site Location**

The Consultant’s civil engineering subconsultant shall size a preliminary infiltration gallery to be used as a basis of design for soil testing and location planning. The following steps shall be taken to perform this task:

1. Perform one site visit timed to occur when the splash pad is operating at highest level (mid-afternoon) to assess current conditions on site and in the dog park.
2. Review past geotechnical work, existing site layout, and site topography.
3. Identify suitable locations for infiltration facilities with the highest potential for positive infiltration, and the least potential for negative impacts to Park programming (e.g., shallow infiltration gallery located in the multipurpose field/parking lot that could impact use during public events).



4. Calculate required size based on reported peak, daily water use of the splash pad.
5. Prepare schematic exhibit utilizing aerial photographs or existing site plans showing potential facility location(s) and size(s).

#### **Task 1.02 Field Explorations**

Evaluate subsurface soils conditions using test pits as follows:

1. The Consultant shall identify up to 10 locations to be excavated, using a combination of the 2014 geotechnical report, existing topography to confirm gravity flow from the spray park can be achieved, and the park's site plan to confirm potential infiltration gallery location(s) do not impact park events (e.g., parking in the multipurpose field, Logging Festival, etc.).
2. Key Pen Parks shall confirm the locations do not conflict with existing underground utilities.
3. Test pits shall be performed using a Key Pen Parks-provided backhoe/excavator and operator.
4. Test pits shall be excavated in the presence of the consultant's Project Manager.
5. The Consultant's Project Manager shall video tape pit excavations for use by the Geotechnical Engineer.

#### **Task 1.03 Coordination with Key Pen Parks-Contracted Geotechnical Engineer**

The Consultant shall coordinate their work and schedule with the work and schedule of the geotechnical engineer; and shall also serve as Key Pen Parks' project manager for the geotechnical engineer.

#### **Task 1.04 Letter of Recommendation**

Taking into account the results of the soils exploration tasks, The Consultant will prepare a Letter of Recommendation for the Key Pen Parks that includes the following:

1. Site plan showing the locations of the test pits, including photos of the excavated pits.
2. Results of the soils evaluation and testing provided by the geotechnical engineer's report.
3. Go/No-Go recommendation on infiltration as a mitigation alternative, based on the geotechnical engineer's recommendations.
4. Recommendation on a preferred mitigation option: infiltration or improvements to the existing outfall system.
5. Schematic layout/site plan of the elements that make up the preferred mitigation option.
6. ROM construction cost estimate of the preferred mitigation option.

#### **Task 1.05 Key Pen Parks Review**

Meet with Key Pen Parks to review Design Progress and direction, resolve issues, and refine schedule.

#### **Task 1.06 Key Pen Parks Board Meeting**

The Consultant shall attend one Parks Board meeting to respond to questions on the procedures, results, and recommendations.

#### **Task 1.07 Project Management**

Manage the contractual, scheduling, billing and timing of project. Manage the coordination of consultants and the execution of the Scope of Services. Communicate with Staff and Project Team on project design and details.



Separately, while it places more work on the limited District staff it avoids additional mark-ups by the consultant. As a result, the Director has selected GeoEngineers to complete the desired geotechnical work on an agreement with a value up to \$8,800. This includes approximately \$4,000 for a possible “PIT” test or the water infiltration test. This will only be performed if a suitable location is determined following review of the excavation pits. The scope of work for Geo Engineers is as follows:

We understand the park was constructed in 2017. A water spray park was added in about 2019-2020, based on publicly available satellite imagery. This feature is in the northeast part of the park area.

Overflow from the splash pad flows into a French drain that is oriented east to west across the site. We understand standing and flowing water has been observed downgradient (west) from the west terminus of the French drain.

The goal of the project is to investigate portions of the site northeast and south of the existing trench for stormwater infiltration purposes. We understand the site owner will supply a backhoe and operator to excavate test pits within these areas.

#### **D. PURPOSE AND SCOPE**

The purpose of our services will be to evaluate subsurface soil and groundwater conditions at the site. Specifically, our scope of services for this project will include the following:

1. Briefly review the previous project information including the previous geotechnical report and published geologic maps.
2. Review videos of new test pits completed at the site. View the open test pits while we are on site.
3. Complete one, short-term small-scale PIT (pilot infiltration test). The PIT location will be determined by others. We understand the local parks authority will provide the backhoe and operator. A water source will also be required. We will conduct the test in general accordance with Pierce County criteria. We expect the test procedures to last a total of about 4 to 6 hours.
4. Compile the testing data.
5. Provide an infiltration rate based on the result of the PIT.
6. Compare soils encountered in the PIT test pit with soils encountered in other test pits completed at the site.
7. Develop an opinion regarding whether soils tested in the PIT are representative of soils encountered in other explorations completed at the site.
8. Provide a brief memo describing the results of our study.

Both of these agreements fall within the Executive Director’s discretion and signature authority. Board approval is not required. During the Study Session of the September 13, 2021, Regular Board Meeting, the Executive Director gave a verbal overview of the status and the work to be done as a follow-up to the consensus direction at the August Regular Board Meeting. The only question that arose came from Commissioner Michel who asked about the costs. The Director stated it was up to \$12,000 – to properly clarify the record she made an error in the mental math and it is up to \$14,000. There were no other questions or concerns brought up by the Board in the session.



The Director chose to bring in consultants for several reasons. This is a potentially complicated project with the poor soil conditions and that the impacted area is part of the stormwater system for the park. In her conversations with Board members as well as trusted experts in this area of her own, there are multiple options and often conflicting opinions on the best path forward. As a “best practice” a consultant can help identify and vet potential alternatives. A question that may be in the public’s minds is why spend up to \$14,000 when a Board member has offered to perform similar services at no cost. The Director has continually stated that President Robison’s idea has merit and will be analyzed along with other potential alternatives. This process of using a third party gives each Board Member an equal opportunity to review and make a determination on a policy direction to move this important maintenance project forward. In addition, the use of outside consultants places the risk and liability on the consultant rather than on the District as a whole. It also avoids any potential conflict of interest claims regarding elected officials and potential financial – even tangential – benefits. The same holds true for the construction of any alternative versus the use of volunteer labor on a project of this magnitude. Finally, the Director believes that she is following the direction of the majority of the Board who directed her to explore additional options and gather additional data on the project. It is not her intention to drag out this process but to act quickly – within the realm of government processes – to present the alternatives to the Board.

Unfortunately, the analysis and alternatives work is slightly delayed not to due to an endless desire for more data and/or alternatives but due to staffing levels on both Key Pen Parks (Covid impacts) and GeoEngineering. In addition, due to this Special Board Meeting the work is once again on pause further delaying the identification of potential alternatives and the determination of a policy directive and path forward.