

VASHON PARK DISTRICT BOARD OF COMMISSIONERS

MEETING MINUTES

Ober Park, Conference Room, 7:00 pm

DATE: Tuesday, December 10, 2019

Commissioners attending: Bob McMahon, Doug Ostrom, Hans Van Dusen, Karen Gardner. Abby Antonelis absent.

Staff attending: Elaine Ott-Rocheford

ISSUE	DISCUSSION AND OUTCOME	FOLLOW UP
Call To Order	Bob McMahon called the meeting to order at 7:00 p.m.	
BARC Cement Pump Track Project – Phase 2 and 3	<p>Judith Neery: I thought you might want to look at the plans. We have permit plans. It has been tough working with Grindline, so we have put it out to bid. Two contractors are interested: Dreamland and Evergreen Skate Parks.</p> <p>Karen: I thought Grindline was the perfect fit.</p> <p>Judith: They are invited to bid, as well. One of the challenges was they made commitments to deliver then didn't do it. They agreed they had not performed to expectation. They also failed to disclose certain costs. I have had surprises in permit fees, etc. These are not deal killers for the project; there are always unexpected surprises. But just to get plans was a milestone. It is in pre-permit application. Many people have to look at it.</p> <p>We got the cultural resources review, where an archeologist observed the site. I don't think they found anything. It's done, and I am waiting for the report. Likely anything of interest was removed when the school was built.</p> <p>The Episcopal Church was gifted funds from a donor for community outreach. They have created a bundled package of skate equipment, helmet, lessons, etc and are gifting these to underserved youth in the community. In exchange, the benefactors will help with a trail behind the property.</p> <p>Another thing was Rotary gifted us \$5,000 for a piece of art. We will start on that in January. We want to start out with a concrete ping pong table between the bowl and the building. Open it up for design submissions from artists. The artist must mentor and apprentice a young person in the community the art experience.</p> <p>I had a conversation with the Puyallup Indian Tribe. It was the chief archeologist who is also head of the grant program for community projects through money from the casino. I sent a concept drawing for an arch or gateway, and he is having conversations with Native artists. I am hoping to get that into the permit process. In fairness, we need to do something at this site for the indigenous folks who were here before us.</p> <p>Elaine: Per the Public Arts policy, you do need to approve the art pieces of the project. The Rotary piece satisfies the 1% of the budget requirement. The Native American piece is an add-on. Rotary satisfies the local artist piece. You need to approve the actual art once there is something presented.</p> <p>Judith: Rotary wants a plaque on their piece.</p>	

	<p>Doug: Do you have a design over-seer for this? I feel like we are being presented with new ideas.</p> <p>Judith: Everything has specific criteria for size, material, durability, etc. so VPD does not have to maintain it. The review will include key members, like you, but not offering it up to the public. We want to keep the opinions to a minimum.</p> <p>Elaine: The concepts have actually been presented to you. In the design, the pods were presented as the spots for games. The anomaly here is that the ping pong table is outside the pods. Generally, the concept of gaming has been presented.</p> <p>Judith: The grant is for the pump track. We are permitting the entire project, because we are working to have the whole thing done. We are stalled with fundraising, because we haven't broken ground yet. I think momentum will pick up once we do. The momentum will focus on the chess tables, benches, etc.</p> <p>Hans: What is the timing on the ping pong table?</p> <p>Judith: January. It might be interesting to put it out to Vashon and the neighboring community.</p> <p>Elaine: Per the policy, the 1% piece should be local. So, the ping pong table.</p> <p>Judith: The bid deadline is January 10, so under contract the 2nd week of January. Ideally, construction starts end of February.</p> <p>Marco: I am excited about the Land Trust trail that will come to the park.</p> <p>Judith: If that gets finalized, ideally we would like the Native Arch there at the trail head.</p> <p>Hans: For the art committee, should we do that in February? That's what the policy suggests – a Commissioner, ED, Rotary person, Judith, a local artist.</p> <p>Judith: Would you like to see all the submissions? With sample of materials, etc? They don't need to present in front of you, but I can make them available to you.</p> <p>Hans: The policy does not suggest that the Commissioners are selecting. It says we set up a little Committee and review. It makes sense to convene that a little earlier.</p> <p>Judith: The chair for the art thing with Rotary is Lynne Halle. She should be on this.</p>	
<p>Noise Monitor at Wingehaven</p>	<p>David Goebel: I am with Vashon Island Fair Skies, a local organization working to reverse the recent air traffic change that funnels flight arrival paths over Vashon Island. At 2018 Strawberry Festival I had a booth for a petition drive to get noise monitors on the island. There are 24 monitors on the mainland. None on Vashon. Before the next gen thing in 2015, arrivals over Vashon were broadly dispersed and miles higher. Now, the swath is about 100 yards wide and lowers it 2000 feet. If you are near this line, every 90 seconds to 2 minutes, the noise is overwhelming. There has never been a way to measure it here.</p> <p>Bob: Where is this flight path?</p> <p>David: (shows map) The technology keeps it pretty close to this. They descend as they travel north over Vashon, then turn around and land. They are in the mid to low 5000 feet, and lower at night often to 3000.</p> <p>Doug: Where is the rest of the island on this?</p> <p>David: We will want the noise monitor at the loudest location at the lowest altitude. When they come over Maury Island, they are around 9000 feet. We have petitioned the Port of Seattle for 2 monitors. They promised one. Ours will stay about a year. We have a unique situation. This is the first major change since 1990.</p> <p>Doug: It seems they are being chintzy in only allowing us one. Are they really expensive?</p>	

David: The original policy was no more noise monitors. A lot of people from Vashon changed that. In 2000, operations peaked. It crashed after 9/11. Then Delta added Seattle as a hub, and last year we got within 7000 flights of the record. This year, we are probably going to break the 2000 record. It was important for people to testify who have lived here in the same location before 2000. We need the noise monitor as close to the line as possible.

The Port has made it clear the noise monitor needs to be on public property. They like buildings to secure it. It is important that the extremes from quiet to noise be good. And it needs to be north as the lowest altitude. It needs to be far from the ferry dock, so the noise is not polluted. Wingehaven turned out best. The topology of Wingehaven has this shelf directly north of the water. The Whitlocks have lived next door since 1980 and takes care of that part of the park. You can access it from his property. The security is good, because it is inaccessible by the public. He has never seen anyone in this section. There are steep hills that block the highway noise and the ferry dock.

Karen: Do we have any liability?

David: This motion I am presenting says “in principle” this will be allowed. You are not committing to anything at this point. But when you do, you are indemnified. The resolution reads as follows:

“Vashon-Maury Island Park and Recreation District (hereafter “VPD”), in consideration of the Port of Seattle Motion 2019-14 adopted by the Port of Seattle Commission on November 19, 2019 and which designated that at least one portable noise monitor intended to measure plane noise be placed on Vashon Island, resolves that in principle park property can be used for the siting of noise monitors.

An actual agreement between the Port of Seattle and VPD that, among other things, indemnifies the Vashon Park District from all liability associated with the noise monitors would need to be separately considered before permission is granted.

Given the new NextGen focused arrival track with flights descending while heading North when SeaTac is in Southflow (~70% of the time), and the aggregate noise level thus increasing with latitude over the Island, an upper section of Wingehaven Park (virtually inaccessible from the park’s trail due to topology) would, on first examination, appear to be the best VPD property for this purpose, in Southflow.”

It is a statement of principle. It will help me, because I can go to the Port and say you are with me in principle. I will come back with a formal proposal saying what we are actually going to do.

Hans: What is your schedule?

David: I would love it if they can get it in the first few months of next year.

Karen: You would like us to pass this motion?

Hans: I think it’s a good thing, and we should act on it tonight. Elaine, any thoughts?

Elaine: I think it’s a good thing.

Karen: I move we pass Resolution #19-42 allowing for consideration of a noise monitor at Wingehaven.

Hans: Second.

Pass 4-0

Hans: I move to suspend the rules.

Karen: Second.

Pass 4-0

Resolution #19-42

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<p>11.26.19 Minutes; 11.23 – 12.5.19 Preliminary Vouchers</p>	<p>Doug: Motion to approve the 11/26/19 minutes and 11/23 – 12/5/19 preliminary vouchers. Hans: second.</p>	<p>Motion to approve the 11.26.19 Minutes; 11.23 – 12.5.19 Preliminary Vouchers Pass: 4 - 0</p>
<p>Oaths of Office</p>	<p>Hans, Bob, and Karen read their respective oaths of office aloud and signed them.</p>	
<p>Board Votes</p>	<p>Board Votes: 1) Karen: I move to approve the 2020 budget. Hans: Second. Doug: Last time was our first real discussion, and I felt that we rushed right through it. I hoped to offer an amendment, but felt it was inappropriate given that it was 9:00. Bob: It was our second discussion. Doug: I would like some sort of consideration for the strategic plan items that have been jettisoned. I wonder if we shouldn't include those. We went to all that effort to put things in the plan. Even low-cost things like ivy remediation is pushed out sometime beyond several years. Trees are dying. Hans: My expectation is that we should revisit the Strategic Plan. Elaine did that throughout this whole year with the levy, but I think we should decide our plan to implement as much as we can. Elaine: Know that I went through and updated the proformas, and our total capital budget for four years is \$573k; I originally projected \$556k. Of that, for 2020 we are looking at \$115k. That leaves \$460k over the next years. And remember, I made choices that I am able to manage. Bob: This comes back to the planning committee. Doug: Ivy remediation was set for 2020, and now 2020 is coming and going. I don't know that this would count as time-consuming or even expensive. Bob: Are the projects listed in the 2020 budget? Elaine: Yes. Where it does get time-consuming is drawing up the bid docs, managing the contract, managing the project. Hans: Maybe we should just talk about ivy remediation as a priority. Karen: You may recall this was my priority project. It is a hornet's nest. When we look at the strategic plan, I can discuss the issues. For now, I suggest we pass the budget as is. Bob: Passing the budget doesn't mean we can't re-prioritize the projects. It's the money we are approving. Doug: I don't think we will find the money in 2020. When we scaled back the levy amount, we cut ivy remediation. I think we are sending the wrong message to the community. We basically said we don't need this money. We can scale back to 45 cents just fine. Karen: I hear what you're saying, but I think we pass this budget, then discuss the details later. Doug: I would like this to be done soon – like first of January. Elaine: I'll put it on the 1/14 agenda. Pass 4-0.</p>	<p>Motion to approve the 2020 budget. Pass 4-0</p>

	<p>2) Abby: I move that we dissolve the Sunrise Ridge lease. Karen: Second. Doug: I have a question about this. Is this okay with them? I don't understand their financial situation. Elaine: I have not notified them of this yet, because it hadn't been approved. Captain Joe is the treasurer there, and he said he has spoken to them. He did not put the \$500 in their budget as a result. If they push back I will let you know. The point to the motion is to put the process in motion. Pass 4-0.</p>	<p>Motion to dissolve the Sunrise Ridge lease. Pass 4-0</p>
<p>Tramp Harbor Dock</p>	<p>Elaine: I had a lengthy conversation today with our Environment and Natural Resource attorney. She is with the law firm we currently use. I suggested to our lawyer that he point us to a specialist in this. There were some items we spoke about that are subject to attorney-client privilege, so I will not be reporting on them here. I will give you the Reader's Digest version of what we talked about:</p> <ol style="list-style-type: none"> 1) Do not sign the lease – at least not now. We cannot accept liability for pre-2013 contamination, as the lease at that time was with King County. <ul style="list-style-type: none"> • Action item - JS will be discussing this with DNR (attorney and Division Manager) and insist the lease be modified to reflect this. • Action item – Message is that it should not be DNR's mission to just check a box and obtain rubber-stamped leases. Their mission should be to problem-solve. • Action item – Message is that it is not reasonable that DNR come after us for pre-2013 problems as opposed to King County and Standard Oil. 2) Whether we sign the lease or not, DOE will likely eventually require a clean-up. They will come after us first as the present owner. It is best to attempt to course-correct with DNR now. Signing the lease could put us in a worse position. 3) Again, whether we sign the lease or not, DOE will likely eventually require a clean-up. Our defense is we are tiny and have no money. Too, our use of the dock and contribution to contamination is minimal. If DOE files an action, there are DOE funds available we can apply for. We will not do this until we attempt to resolve with the State first. DOE will also likely target King County and Standard Oil. Hans: So they will go after us first, because we're tiny, and we didn't cause the problem. Elaine: My take-away from that is we have options. It is probably they will not expect to get much out of us, but there is no guarantee. There is a risk. Hans: You said there are other resources, and they will likely go after the other parties. The order is us first, then other parties, then other resources. 4) JS has a concern that DNR will state we have had an implied lease despite King County's non-assignment in 1995. <ul style="list-style-type: none"> • Action item – JS will review for implied lease. • Action item – JS will review Jim's work on King County liability. 5) JS stated we have no insurance recourse for pre-existing environmental liability. I shared with JS that Jacob Middling (of K2) connected me with his insurance broker, whom he states has provided coverage for the K2 cleanup. He is with Great Northern Insurance Services. In our first conversation, he said coverage is unlikely. He reviewed the lease, then reached out to the twelve largest insurance companies 	

in the state – they all laughed and said they wouldn't touch a pre-existing condition of this nature. The largest – Propel – might consider a \$100k stand-alone policy with a \$200k deductible if the State waives the full liability condition.

Pollution Liability going forward – only possible after the environmental clean-up is complete. At that, it would be expensive -- \$20k - \$30k annually, because it is over water. Water environmental is very risky.

Insurance guy connected me with a Property Survey Risk Management Specialist. He recommended Phase 1 and Phase 2 surveys. JS is very familiar with these.

Phase 1 = site evaluation of potential contaminants; historical research; interview local residents and past property owners. Result is a rendered opinion report.

Phase 2 = log samples; lab tests; analytics.

A clean bill of health can be taken to an insurance broker, so odds of getting insurance escalates.

JS opinion: Phase 1 and 2 analyses create a challenging risk management decision. Going into it, it is hard to imagine contamination will be low due to the nature of oil and fuels. Phase 2 can be very expensive in water – likely \$20k total. While it is good to know what we are dealing with, the downside is now we have data, and we have to live with it. As a public agency, that can work for us and against us. The contaminant results will probably not be minimal enough to be able to get insurance.

- Action item – SJ will get quotes based on our parcel number basemap.

6) In summary – Find common ground with DNR attorney and Division Manager. Do not involve Hilary Franz at this point.

- Action item – conference call with DNR.

My take-aways:

- DNR needs to back off the liability. No guarantee that they will. We have tried.
- We are on the hook for existing environmental, but it might not be as bad as we think. On the other hand, it could be.
- We can probably get pollution liability coverage going forward but AFTER clean up. It will be expensive.

Hans: So, we won't go to Hilary today. You have not heard from Joe Nguyen yet? That's a problem. I totally agree we should give them a chance through this great lawyer and yourself. But, under a clock. And we are not interested in anything other than a reasonable lease. What time line would you like?

Elaine: I think the community wants action sooner rather than later.

Karen: With the holiday season, you should probably shoot for end of January.

Doug: What is it we are aiming for here?

Elaine: We are looking for a reasonable lease that takes into consideration the issues of tiny little districts like us that can't possibly live up to their expectations. She is looking for DNR to take on liability.

Doug: So what we are hoping for is a lease we can sign.

Hans: And a lease we can also put state funding on top of to replace the pier. Either a grant or senate help funding. We want to drop it in the state's lap to the best of our ability. I know there is still the clean-up.

Doug: How much do our circumstances play into this? More than one person said the state has miles and miles of coastline.

Hans: There has to be a clean-up. But we aren't wasting our energy on the insurance for pre-existing conditions, are we? Cuz there is going to be a clean-up. We just want to proceed on the lease, and we just want to proceed on the clean up.

7) Abby is forming a Citizens Advisory Committee for letter writing/fundraising. My take-away from attorney: not now. Let's try to work with DNR through our attorney first.

8) Take-away from the public meeting:

a. Has anyone approached the State about just giving the whole dock to us via eminent domain? You're talking about 6,000 feet of property – just give it to us and forget about the lease.

Attorney: The State Constitution forbids giving away State public lands. They can only lease.

b. What about historical preservation of buildings? Why can't we pursue the historical significance?

Attorney: This is worth looking into.

Lisa Chambers has reached out to King County Historic Preservation Office. They believe THD fits the criteria, except there must be an approval from the "owner" – will the State approve this, since they own the tidelands? Attorney: Confront DNR that this should be part of their mission to make projects work. Attorney will look into how much DNR will waive of their environmental concerns. There may be funding here, too. Other issue – if approved, will be subject to certain preservation criteria. I would guess King County would approve only if we agree to restore it to its original State.

c. Pursue the cultural and racial impact that is relevant about the dock. Use this in our argument for the State to give it to us, since this is the most heavily used park by people of color – the Asian community.

Attorney: The State cannot give it to us.

d. Pursue use of the dock for an alternative ship port in a natural disaster. If the dock was shortened, aside from the north and south ferry terminals, all commercial docks have been removed from the island. If you need to bring in an emergency ship, and the ferry docks weren't available, where would it come in? This is the only dock that can take a large vessel. Don't remove the T - that would be the loading platform. Is there federal funding under some sort of emergency act closure where you can get money in case of a natural disaster? The earthquake preparedness people might know.

e. Pursue adverse possession, since we did not have a lease but have been using the dock for 24 years. Nope: can't give it to us.

f. Challenge the geoduck protection provision of the lease that stipulates we must shorten the dock.

g. Reach out to Jay Inslee.

h. Encapsulation rather than tear-down is preferred.

i. Fix the first 180 feet now.

Doug: I was reading the DNR website, and it said structures over 50 years old will require an archeological assessment, like what was done at the Skatepark. This is tidelands, and plenty of Native Americans were there. It just seems like another potential chink in the process.

Hans: I think fixing the first 180 feet is ridiculous. I wanted to poll the crowd on that. There was just that

	<p>one guy advocating for that. The others were like, what are you crazy? A little flap over the mud flaps? I don't think that is the big picture approach.</p> <p>Bob: My understanding is that he thought we should get that one repair out of the way and keep working on the rest of it.</p> <p>Karen: I think we do nothing at the moment.</p> <p>Hans: There are too many moving parts.</p> <p>Elaine: It certainly is not cost effective.</p> <p>Hans: We don't know what the long term project is going to be. Is it going to be tear down? Replace? How can you possibly fundraise, spec, and bid when we don't have a complete picture of the project? It is not the best use of people's time and resources.</p> <p>Elaine: That is enough about the dock. Now we need to discuss the parking area that collapsed. King County determined through a survey that the collapsed parking area is not their jurisdiction. They have barricaded the area and will remove the concrete slab at the top of the stairs for safety reasons. Too, they will make repairs (don't know what) that will stop further erosion that might impact Dockton Road. That is happening this week. In their opinion, the collapse was due to the failing timber wall that they couldn't determine if it's on us or the property owner to the north (Tramp Harbor Maritime, LLC). Question: should I pursue this or worry about it when we decide what to do about the dock?</p> <p>Karen: Let's wait to see what happens with the dock.</p> <p>Hans: Sounds good. What do you know about the funding cycle if we got a state appropriation?</p> <p>Elaine: My understanding is it would not be until the 2021 cycle.</p> <p>Hans: When would our request need to be? Either through the legislative process or the grant cycle, where the match would be through fundraising. My theory is, do we have a window to try to resolve some of this over the next 3 – 4 months to support legislative or grant funding in this window. The dollars would not show up until 2021.</p> <p>Bob: But we need to know what we are asking for.</p> <p>Elaine: I understand the ask for an appropriation isn't until 2021. I will find out. The RCO grant comes up every two years. It is the ALEA grant.</p> <p>Hans: I just want to know what the cycles are.</p> <p>Bob: But to write a grant, you need to know what the project is. We can't know what the project is until we get the lease figured out.</p> <p>Hans: And I know you can't write a grant until the ownership situation is clarified.</p> <p>Elaine: The lease stipulates we would have 12 years to do this project after signing.</p> <p>Doug: What happens if we don't sign the lease? And the dock just sits there for months? Will the state start tearing it down?</p> <p>Elaine: I don't know when. Ultimately that is what will happen. The state will drive that.</p> <p>Bob: We have a lot to learn.</p>	Action Item
King County Parks Youth	Elaine: The King County Parks Youth Sports grant program is coming up again with Letters of Interest due end of January. The grants are due mid-March. This is the same program we received for Ober and Agren. I	

<p>Sports Grant</p>	<p>thought we would apply for two grants: one for the pool slide (Mike O’Conner is working on this). Bob: Is that so we don’t have to move it every year? Elaine: Yes. The other grant would be for phase 2 of Ober Park. Back to the question about capitol planning, remember the full plan for Ober included ADA sidewalks and a restroom. Do you support me going for that? It would probably mean another \$20k in A&E. This would be potentially another \$300k with no match. Karen: I feel a \$20k investment for a \$300k return is worthwhile. Bob: Yes. Isn’t there a grant for pools coming up, too? Elaine: I don’t have any information about that right now. I understand a pool grant program was part of the August KC Parks levy ask. Bob: As I recall, we were one of the few pools that ran out of money for a pool cover before it was given to Vashon. But I do feel the bubble is a great solution.</p>	
<p>Junior Taxing District Rate Discussions</p>	<p>Elaine: I have not yet gotten ahold of Senator Nguyen, but I did get his cell phone number. I will call him tomorrow. Karen: I hear he is on Vashon quite a bit. Elaine: Karen, Bob, and I are meeting with Representatives Fitzgibbon and Cody on Wednesday. Karen: Elaine and I spoke with the finance director for the library. They are likely going for the full amount next year. He also provided a name of a guy who might partner with us on challenging the Junior Taxing District laws. People are fighting it piece-meal. Everyone should get together to challenge it. Bob: It’s a two-tiered thing. If everyone on the upper tier (library, fire, hospital) gets to the \$5.90 without us, that is when they are pro-rationed. That is the only time they lose something. There are no other options other than excess levies, that fall outside the \$5.90. Doug: I don’t see why the groups in the upper tier would want to fight for reform when it doesn’t affect them until after it effects us. Hans: I don’t think the senior districts would oppose raising the \$5.90. Bob: It would take a state law to change that. Karen: Our survival is at risk. Bob: The only way we survive it is if we convince the HD to not go to their limit. Elaine: I dropped Eric Pryne a note after our conversation with the Library to inform him they are taking 17 cents. And Fire will take 7 cents. Hans: And what is the timing? Elaine: Hospital and Library will hit 2021. Not sure what Fire is doing in 2020, but Fire will be 2021 based on the assessed values in August. The deal with fire is that within a 6 year window, they can go to the top but are limited to the lower of \$1.50 or the rate that is no higher than a 6% increase over their levy revenue. So that comes to 24 cents without affecting us. If HD stays at 45 cents, that takes over \$500k from our revenue. If they go to 75 cents, that leaves us 2 cents. Bob: Our only salvation is to get the law changed. Elaine: Or find funding elsewhere. There is that 50 cents in the middle of the whole taxing model that has exceptions in it. I think we need to discuss tapping into that. There is the \$5.90 for junior, \$3.60 for state,</p>	

	<p>and 50 cents for odd exceptions. Doug: How do we get to that? Elaine: Probably a law change. That's what we will explore with our representatives. Bob: I am curious to know more about the excess levy. Hans: So you are meeting with reps next Wednesday. Elaine: Yes, the goal is finding exceptions, other avenues, what they can do to help us. Bob: Where did the \$5.90 come from? Elaine: I don't know how the buckets came to be, but the \$10 limit represents 1% per \$1,000 of assessed property value that is a limit that protects taxpayers from being over-taxed. Doug: Making park districts rely on levy funding that is up for approval every 4 years is ridiculous. We develop fields and pools, etc. and then run the risk of being put out of business by a vote or two. It is just no way to run a government!</p>	
Policy - Benefits	<p>Elaine: I spoke with Randy about your comments at the last meeting. He was really cool about it. At the last meeting, you asked me to verify that Randy could get back on our insurance outside open enrollment if he had a qualifying event. Yes, confirmed. Would you reconsider staying on our insurance? No, he won't, because he doesn't have to pay through his wife. You did not make a motion either way, and you don't need a motion if your intent is to keep the policy as is. Hans: Yes, that is true. Bob: Has he been disenrolled from our insurance? Elaine: Yes. He has to pay 1/4 of the premium as a 3/4 time employee.</p>	
Adjourn 8:45 pm	<p>Karen: Move to adjourn Doug: Second</p>	

Minutes by: Elaine Ott-Rocheford