

City of Mercer Island

OPEN SPACE CONSERVANCY TRUST BOARD

Thursday · September 20 · 2018

Regular Meeting Agenda

6:00 pm Call to Order & Roll Call

6:05 pm Minutes of July 19, 2018 Meeting

6:10 pm Public Appearances

6:15 pm Regular Business

- | | |
|---|---------------------------|
| 1. Social trail follow-up | Paul West (10 min) |
| 2. By-laws revision adoption | Alaine Sommargren (5 min) |
| 3. FHS data collection progress | Alaine Sommargren (5 min) |
| 4. Rotary Peace Pole project | Paul West (10 min) |
| 5. Picnic table replacement | Paul West (5 min) |
| 6. Quadrant reports | Trustees (5 min) |
| 7. Next Meeting: November 15, 2018 | Chair (5 min) |

7:00 pm Adjournment (estimated)

BOARD MEMBERS

Rory Westberg, *Chair*
Marie Bender, *Vice Chair*
Thomas Hildebrandt, *Secretary*
Bruce Bassett, *Council Liaison*
Carol Lynn Berseth
Craig Olson
Geraldine Poor

STAFF

Paul West, *Parks Operations Superintendent*
Alaine Sommargren, *Natural Resources Manager*
Kim Frappier, *Natural Resources Specialist*





OPEN SPACE CONSERVANCY TRUST BOARD REGULAR MEETING MINUTES July 19, 2018

Call To Order:

Chair Westberg called the meeting to order at 6:00 pm in the Council Chambers at City Hall, 9611 SE 36th Street, Mercer Island, WA 98040.

Roll Call:

Chair Rory Westberg, Secretary Thomas Hildebrandt, Trustee Geraldine Poor, Trustee Craig Olson, Trustee Carol Lynn Berseth, Council Liaison Bruce Bassett (arrived 6:05 PM). Trustee Marie Bender was absent.

Staff present were Paul West, Park Operations Superintendent, Alaine Sommargren, Natural Resources Manager, and Kim Frappier, Natural Resources Specialist.

Minutes:

Chair Westberg moved and Trustee Hildebrandt seconded to approve the March 15, 2018 minutes as written as well as the May 17, 2018 minutes with the addition of Trustee Hildebrandt's written statement. Motion passed: 5-0.

Public Appearances: There were no public appearances.

Regular Business:

(I) FHS Data Collection

Natural Resources Manager Sommargren provided an update on the 10-year data collection effort for the Pioneer Park Forest Health Survey. The two staff members hired to complete the data collection have been making good progress despite some challenges locating plots. Full results will be presented in the next annual report, but preliminary data may be available for regenerating holly and other plants of concern in September.

(II) Summer 2018 Trail Work Plan

Natural Resources Manager Sommargren presented the 2018 Trail Work Plan developed by Andrew Prince, the Trails and Urban Forestry Specialist. Most projects focus on dealing with water on trails such as regrading, crowning with gravel, and getting organics off the trail.

(III) Social Trail Inventory

Natural Resources Manager Sommargren presented the social trail inventory conducted by natural resources staff. The inventory was a request made by the Trust to assess the extent of social trails originating from private homes into the park. Natural Resources Manager Sommargren presented photos and a map. There are six social trails in the northwest quadrant and two in the southeast quadrant.

Discussion: Trustees discussed the feasibility and impact of decommissioning existing social trails and

discouraging the creation of new ones. Superintendent West explained that boundaries and encroachment issues came up when the park was first established. Some social trails were informally sanctioned at that time, but trails were not considered in the Pioneer Park Master Plan. Trustees discussed the need to establish a policy or guideline for how to address social trails and agreed that more information was needed. Natural Resources Manager Sommargren will contact adjacent home owners to discuss their use of the trails and report back to the Trust in September. Superintendent West will review the Pioneer Park Master Plan to clarify existing policy and aid in homeowner outreach.

Board Direction: Trustees will further discuss this issue at the September meeting.

(IV) Annual Herbicide Use Report

Natural Resources Specialist Frappier presented the 2018 Herbicide Report. The report included an overview of all herbicide used during the 2017 field season as well as the planned treatments for 2018.

(V) Off-leash Dog Status Report

Superintendent West provided an overview of the efforts made in terms of public signage and education. Park signage has been up for one year. The brochures have been reprinted and continue to get distributed at park kiosks across the City and the Mercer Island Community and Events Center. He showed pictures of some dog activity by the Don Coen bench in the NW quadrant where dogs have been digging under the bench. This area now needs to be backfilled with gravel. Staff will follow up regarding gravel repair.

(VI) Quadrant Reports

Trustees reviewed which quadrants each board member is assigned to for meeting site visit reports. Quadrant assignments and reports are as follows:

NW Quadrant: Trustee Berseth and Trustee Bender
Trustee Berseth volunteered to provide reports for this quadrant.

NE Quadrant: Chair Westberg, Council Liaison Bassett, and Trustee Poor
Trail construction looks great. Trustees noted that trail clearing needs to be done along the dead end trail.

SE Quadrant: Trustee Hildebrandt and Trustee Olson
Trustees noted that the trails are in good shape. There is a snag that fell along the north perimeter trail that may need chainsaw work. Staff will follow-up.

(VII) Annual Election of Officers

Chair Westberg opened the floor for nominations of officers. New officers assume their roles effective immediately. The nominations were as follows:

Chair

Chair Westberg nominated himself for a second year as Chair. Trustee Hildebrandt seconded. Motion approved 6-0.

Vice Chair

Chair Westberg nominated Trustee Bender. Seconded by Council Liaison Bassett. Motion approved 6-0. Due to Trustee Bender's absence from the meeting, Chair Westberg will contact Trustee Bender to confirm whether she would like to accept the appointment.

Secretary

Trustee Hildebrandt nominated himself. Seconded by Trustee Poor. Motion approved 6-0.

(VIII) Next Meeting

The next meeting is scheduled for September 20, 2018.

Chair Westberg noted that the next meeting will include a staff presentation on Parks and Recreation management of other City open spaces. Natural Resources Manager Sommargren stated that she will also be doing research regarding by-law revision and will be presenting that at the next meeting.

Adjournment: 7:43 pm

Rory Westberg, Chair

Attest:

Kim Frappier, Scribe

Social trail discussion | Background information provided by Tom Hildebrandt

At the end of last meeting, I indicated my intention to craft language for a regulation prohibiting private landscaping within Trust properties. However, my reading of existing regulations suggests that such activities are already banned. Here are my findings:

1. The board has the power to recommend to City Council the enactment of new regulations in support of the Trust's mission.

Bylaws Section IV Powers and Duties (excerpt). "C. Prepare and recommend written policies to the City Council that are necessary to preserve Trust properties as open space properties, including, but not limited to, policies regarding public use of, maintenance of, and improvements to such properties."

2. It is illegal to damage park properties.

Mercer Island City Code S.9.30.050 Injury to park property unlawful. "It is unlawful for any person to remove, destroy, mutilate, injure, cut, disturb or mark or write upon any structure or building, or any part of any structure or building, or any fixture therein, or attached thereto, or any monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, lighting system or sprinkling system, or any other property lawfully located within any park, or to pick, cut, or remove any tree, shrub, bush, plant or flower. (Ord. A-91 S.1, 1991)."

3. The Parks Director has the power to enact new regulations.

Mercer Island City Code S.9.30.220 Adoption of rules and regulations by director. "The director shall have the power to promulgate and adopt reasonable rules and regulations pertaining to the operation, management and use of the parks, and shall post the same in conspicuous places in the parks. Such rules and regulations shall include a procedure for granting blanket permits encompassing any particulars of this chapter to locally and nationally recognized organizations or associations. Such rules and regulations may include the establishment of hours during which any park or portion thereof, as designated by signs located within the designated portion, shall be closed to the general public; such closures may be for reasons of public safety, welfare and convenience, or for reasons of park maintenance. It is unlawful for any person to violate or fail to comply with any park rule or regulation duly adopted and posted by the department of parks and recreation. (Ord. A-91 S.1, 1991)."

Paul West

From: Barbara Crawford <crawfb@comcast.net>
Sent: Tuesday, September 11, 2018 7:33 AM
To: Paul West; Paul West
Subject: Pioneer Park
Attachments: IMG_9321.JPG

Hello Paul,

Yesterday, I received a call from Aileen Somergren (spelling ?) regarding my access to the park. She was calling on behalf of the Conservancy. We had a good talk. I do not have her e-mail, so I am writing to you.

I think you and Aileen both know I have been a good steward of the park for decades. I walk the park daily and have enjoyed my backyard access in order to stay off the street, particularly when accessing the park with a family member using a scooter wheelchair. .

I have, in fact, been attempting to allow the path to cover over a bit more naturally, for privacy, but offensive vegetation was removed this summer by the Earth Corps, exposing the area more for now. In fact, several years ago, I added a few native, flowering currant with your permission. I would like to continue to allow the path to cover over some, but I would also like to continue to use this safe access. I care very much about the well-being of this beautiful park.

I took the above photo with a long lens from my neighbor's back yard.

Thank you for your care of the park.

Barbara A Crawford
8445 SE 63rd Street
Mercer Island WA 98040

206-232-9649 – Home
206-909-9160 – Cell



**CITY OF MERCER ISLAND
OPEN SPACE CONSERVANCY
TRUST BOARD
STAFF REPORT**

**Action Item No. 2
September 20, 2018**

Description:	By-Laws Revisions adoption
Exhibits:	Current by-laws with edits

BACKGROUND

At the March 2018 meeting, Trustees reviewed the current Open Space Conservancy Trust by-laws and made recommendations for a minor change to language regarding absences. Staff also reviewed the by-laws and ordinance with the City Clerk's office to ensure that the documents are in agreement. Two conflicts were found, regarding the Council Liaison's term. All proposed changes have been marked in red in Exhibit 1.

This revision of the by-laws was noticed in the MI Reporter on September 5, which meets the requirement of two weeks notice.

PROCESS

Trustees may wish to review the by-laws one last time before adoption. A 2/3 vote of the board (5 out of 7) is required for adoption.

RECOMMENDATION

Adopt new by-laws as amended by staff and Trustees.

BYLAWS OF THE MERCER ISLAND OPEN SPACE CONSERVANCY TRUST

I. Objective and Purpose

To carry out the purposes of the Mercer Island Open Space Conservancy Trust, as established by City of Mercer Island Ordinance No. B-93 dated March 11, 1992 and amended by Ordinance No. 96-002 dated May 6, 1996 and restated herein as follows:

- A. Receiving and holding all Open Space Properties transferred to the Trust by the City Council, or by other governmental or private land owners with approval of the City Council, in perpetuity, or until such time as this Trust is terminated or any such Open Space Property is removed from this Trust by the occurrence of one or more conditions set forth in this Trust;
- B. Protecting, maintaining and preserving the Open Space Properties; and
- C. Insuring that the development and use of Open Space Properties are both consistent and compatible with the intent and purposes of this Trust and the guidelines and policies enacted pursuant to this Trust.

II. Organization

- A. Seven voting members to be appointed by the mayor, subject to confirmation by a majority of the City Council, serving at the pleasure of the Council. Six of the members shall be citizens-at-large who reside in the city, and one member shall be a City Council member.
- B. The trustees shall receive no compensation for their services.
- C. The trustees shall serve for the following terms: the City Council Member shall serve a ~~two~~~~one~~-year term; citizens-at-large shall serve four-year terms; provided however, for the initial appointed term, one citizen-at-large shall serve a four-year term, one shall serve a five-year term, and one shall serve a six-year term. Thereafter, the citizens-at-large shall serve four-year terms.
- D. Vacated seats shall be filled by the Mayor, subject to confirmation by the City Council, for the remainder of any unexpired position.
- E. The officers of the trust board shall consist of a chairperson, vice chairperson, and corresponding secretary and will perform the following duties:
 - 1. The chairperson shall schedule meetings, preside over the meetings, represent the Open Space Conservancy Trust, meet with

the Park and Recreation director, meet with the City Council, set up meetings, distribute materials, and appoint members and chairpersons of committees, all as necessary to further the purposes and objectives of the Trust.

2. The Vice chairperson shall serve as presiding officer in the absence of the chairperson and shall assume whatever roles and assist in whatever tasks the chairperson may direct.
3. The secretary shall review, acknowledge receipt of, and respond to residents' letters with approval of the trustees.
4. The trustees as a whole shall discuss and vote upon officers at least once annually.

F. Election procedures:

1. Each officer shall serve a one year-term.
2. Election of officers shall take place at the first regular Board Meeting after July 1 of each calendar year.
3. The chairperson may only succeed himself/herself once.

G. Any trustee who fails to attend two consecutive regularly scheduled meetings ~~without notifying the Chairperson in advance of which he/she has had proper advance notice in writing, without having been excused by the Chairperson,~~ will be deemed to have forfeited his/her position as trustee.

H. Resignations may be tendered in writing to the Mayor.

III. Meetings

- A. All meetings of the trustees where a quorum of the trustees are present shall be open to the public, properly noticed, and conducted under Robert's Rule of Order.
- B. The Board shall meet at least once a quarter. The calendar of meetings shall be set by the board for the next year at the last meeting of the calendar year.
- C. Five members shall constitute a quorum.
- D. The Chairperson may call a special meeting as needed, with notice given to the members and public at least ten calendar days before the meeting.

- E. Agendas and corresponding materials shall be distributed to the members at least six days before the meeting.

IV. Powers and Duties

- A. Receive and hold title to real property, or interests in real property (such as conservation easements), transferred to the Trust for preservation as open space properties (collectively “Trust properties”).
- B. Ensure preservation of Trust properties as open space properties.
- C. Prepare and recommend written policies to the City Council that are necessary to preserve Trust properties as open space properties, including, but not limited to, policies regarding public use of, maintenance of, and improvements to such properties.
- D. At or before the regular meeting in July of each year, review the status of Trust and each of the Trust properties and report the City Council on the condition of the various properties with any recommendations concerning how the Trust properties may be managed to preserve them as open space properties and any other recommendations on how the purposes of the trust could be better accomplished
- E. Exercise such other powers as may be necessary for carrying out the purposes of this Trust.

V. Amendments

Amendments to these bylaws shall require a two-thirds majority vote of all members (5 out of 7 voting to approve). Written notice must be given to the members and public at least two weeks in advance of consideration of any amendment. All amendments will be filed with the City Clerk.

VI. Bylaws Review

These bylaws are to be given a careful review by the Board every four years for possible amendments, starting in 1996. This periodic review does not preclude adoption of amendments during the interim.

JOB DESCRIPTION

TRUSTEE: OPEN SPACE CONSERVANCY TRUST

GOAL:

To preserve, protect, and maintain the City of Mercer Island's open space as designated by the Open Space Conservancy Trust.

JOB TITLE:

Member, Board of Trustees of the Mercer Island Open Space Conservancy Trust

TIME COMMITMENT:

- Citizens: initially staggered terms of 4, 5, and 6 year terms followed thereafter by 4 year terms.
- City Council: ~~1~~2 year term
- Regular attendance at scheduled Board of Trustee meetings is required: meetings will be held at least semi-annually with other special meetings occurring as needed.

ROLES AND PURPOSES:

- Ensure preservation of trust properties as open space
- Prepare and recommend to the City Council policies and guidelines for maintenance, use and preservation of the Open Space properties.
- Review and report annually to the City Council status and condition of the Trust properties with any recommendations as to management.

DESIRABLE ABILITIES, SKILLS AND INTERESTS

- Interest in serving the City as a Board of Trustee Member
- Interest in maintaining and enhancing the community's quality of life through the preservation of open space.
- Communication and listening skills
- Leadership skill
- Knowledge of the ecological process
- Long and short range planning skill
- Ability to work with user groups and the City Council
- Ability to contribute opinions at meetings and participate in group decision making process on issues of concern
- Willingness to commit the necessary time to the Board of Trustees for resolution

TRAINING:

Information about Trust, its properties and Board of Trustee operations will be provided by staff.