

**MEETING MINUTES  
WHATCOM COUNTY PARKS & RECREATION COMMISSION  
Thursday, May 16, 2013**

**Hovander House  
Hovander Homestead Park  
5299 Nielsen Avenue  
Ferndale, WA**

**PRESENT:**   **Commissioners:** Gordon Rogers, Jeffrey Margolis, Kenneth Kiesner, Janet Boyhan, Paul Woodcock  
**Staff:** Michael McFarlane, Erik Axelson

**ABSENT:**   **Commissioners:** Theresa Sygitowicz  
**Staff:** Rodney Lamb

**GUESTS:**   **Public**

**CALL TO ORDER**

The meeting was called to order by Commission Chair, Gordon Rogers at 6:20 P.M., following a tour of Hovander Homestead Park and Hovander House.

I.    **AGENDA: May 16, 2013 Agenda.** It was moved, seconded and passed unanimously to approve the agenda as written.

II.   **MINUTES: March 21, 2013 Minutes Approval.** It was moved, seconded and passed unanimously to approve the minutes as written.

III.   **PUBLIC INPUT/COMMUNICATIONS:**

A.   **Correspondence.** Mike distributed an email that he received from Ellen Baker stating that her business was not in support of the Glacier Community Trail.

B.   **Van Zandt Community Hall.** Jeff Margolis thanked the Parks Department for the attractive new sign at the Van Zandt Community Hall.

Mike stated that this was a result of a suggestion that a sign would increase public awareness that there was a park at that location.

IV.   **DIRECTOR'S REPORT – MICHAEL MCFARLANE:**

A.   **Opportunity Council Contract Amendment.**

The Opportunity Council (OC) has asked for an amendment to their contract to allow the use of a portion of the rental revenues received from the general public and the Head Start Program to purchasing operating supplies and assist with program support.

The amendment to the OC contract was proposed in March. The County Finance Department had concerns regarding the accountability of funds. Finance needed to take more time to review these concerns. A new revised amendment was drafted and will be submitted to Council for approval by the end of this week.

## **B. Teddy Bear Cove Railroad Crossing Access.**

Mike received a letter from the Washington State Utilities and Transportation Commission regarding safety concerns that they have with the public crossing over the Burlington Northern Santa Fe (BNSF) Railway tracks, leading down to Teddy Bear Cove.

It is thought that the Utilities and Transportation Commission has been prompted to examine and review various public railroad crossings as a result of recent accidents and incidents over railroad track in Boulevard Park in Bellingham. They have suggested that it is in the best interest of public safety that the Parks Department provide a grade separation at this location.

Mike explained that the County is not aware of any past or current safety concerns regarding the public use of this crossing. The crossing site is currently used by the surrounding community and has been used by businesses in the past without incident. There is good site distance to be able to identify an oncoming train as it is on the inside of the arc on both sides of the track.

At this time there are no formal agreements with BNSF Railroad nor any permits or easements in place for a public crossing at this site.

Mike responded to the Utilities and Transportation Commission that the Parks Department has noted their concerns, is aware of the situation and would explore the feasibility of a pedestrian grade separation at this site and advise them accordingly. He also stated that he would share their concerns with the Whatcom County Parks and Recreations Commission.

Mike shared with the Parks Commission that when the property was acquired there was a discussion regarding the safety of that crossing and it was determined at that time that there were not, nor had there ever been any safety concerns regarding pedestrians safely crossing at this location.

The Parks Commission discussed alternative accesses to the site, what other parks were doing to address railroad crossing safety concerns and the fact that there is a lack of need and available funds to construct a pedestrian grade separation or other crossing alternatives at this time, at this site.

## **V. OPERATIONS REPORT – ERIK AXELSON**

### **A. Geese Abatement at Silver Lake Park.**

Erik provided the Park Commission with approximately 15 – 20 public communications that were received regarding the abatement of the Canada Geese population at Silver Lake Park.

The majority of the communications requested that the Parks Department consider alternatives to removing the flock and in fact, other alternatives are being researched.

Erik also provided his response letter to the public and a memo to the County Executive and County Council that outlined the objective considerations that are being reviewed and information to better educate the public on just how big the problems is and why

there is a need to address the issue. Erik discussed the content of the letter and memo with the Parks Commission.

In addition, the Parks Department has requested a survey / census on the current size of the Silver Lake Park flock from the USDA Wildlife Services. It is anticipated that the number of geese in the Silver Lake resident flock has increased from approximately 60 last year to 80+ this year.

The County Health Department has been contacted regarding the effects of the flock feces on the water quality at Silver Lake Park. Potential testing protocols are being researched by DOH, and will be shared with the Commission when received.

There will also be a public meeting at Silver Lake Park next week to discuss local community concerns, and a meeting has been scheduled between the County Executive and a local animal activist to discuss geese management issues.

The Parks Commission will be updated on these developments and new information as happens.

**B. Silver Lake Park – Opening day of fishing season – April 27<sup>th</sup>.**

Even though it was a gray day, the lake was busy with fishermen. Resident Lead Park Ranger, Erika Miranda carried off her first opening day with efficiency and professionalism. She received able assistance of the new seasonal staff, Park Ranger, Jerry Warren, and Lighthouse Marine Park Lead Ranger, Ben VanBuskirk.

**C. Special Event Season.**

The parks are currently experiencing the seasonal increased use for commercial and non-commercial special events.

Hovander Parks is currently hosting the Civil War Education Days and Master Gardener plant sale is this coming weekend. Later this month the park will provide the Ski to Sea transition site for the canoe-to-mountain bike segment of the race.

This is just a sample of the many events that are planned for the special event season. Additional listings can be viewed on the County Parks' web page calendar.

**D. Food & Beverage Request for Proposal (RFP).**

There were three responses to the Food and Beverage RFP. The majority of the interest is for Hovander and Samish Parks.

Out of the three applicants there is one strong candidate. The recommendations will be shared with the Commission as decided.

**E. Dog leash compliance signs at Hertz Trail.**

Addition of larger signs emphasizing leash law and cleanup compliance has had a large impact on those who use the Hertz Trail. We've received several communications from dog owners not aware at all that the Hertz Trail required leashes, which tends to validate

the need for the larger signs. Other trail users, including some dog owners, have thanked us for clearing up the dog policy requirements.

Parks' staff continues to enforce the dog leash and clean up requirements at Hertz Trail.

**F. Seasonal Staff.**

All seasonal staff have been hired and are in or have completed their training.

**G. Fragrance Garden Volunteer Day.**

The Ferndale Lions Club hosted a volunteer day at the Fragrance Garden on Saturday, April 20<sup>th</sup>. Erik shared photographs of the results of the volunteers' efforts.

There is a new entry sign that provides a beautiful display for the large wisteria growing there; the sign improvements were done by Stephen Kollmar. In addition we showed photos of the entry arch and metal arbor that was the work of staffer Rick Jacoby.

Seasonal gardener, Janice Mason, volunteers and Lead Ranger, Dennis Conner hope to continue to work with the Ferndale Lions Club and possibly other area Lions Clubs in our shared interest in providing a sensory experience for the visually impaired and blind community.

**H. Plantation Rifle Range.**

A budget supplemental will be submitted to County Council to request increased funds to accommodate the public demand for additional classes at the Plantation Rifle Range and to increase the operating hours of the Pistol Range.

**VI. DESIGN & DEVELOPMENT REPORT – MICHAEL MCFARLANE (RODNEY LAMB EXCUSED):**

**A. Lighthouse Boat Ramp Renovation.**

The project was advertised for bid on May 1<sup>st</sup> and will close on May 21<sup>st</sup>. There was an initial concern regarding the lack of interest but there have since been several bid packets distributed to potential bidders.

**B. Hovander River Trail.**

The Parks Department has contracted with Reichhardt & Ebe Engineering to prepare the project bid documents for the Hovander River Trail. The project will advertise on June 5<sup>th</sup> and close on June 18<sup>th</sup>.

The lowest bid will be submitted to Council for approval by the end of June. Construction is expected to take approximately six weeks to complete.

**C. Samish Dock.**

HDB Marine is in the process of completing the manufactured docks and will deliver them to Parks HQ next week.

Construction will be delayed until after Labor Day so not to disrupt both the specific fish window and increased seasonal use of the park.

**D. Lily Point Marine Park.**

The final grant reimbursement request has been submitted to the RCO for \$470,000.00. The project came in under budget in the amount of \$30,000.

**E. Lookout Mountain Trail Head.**

The contract for this project has been submitted to Faber Construction for their approval and signatures. Construction is anticipated to begin June 3<sup>rd</sup>.

There is a budget supplemental before County Council next week for approval to support the restroom concerns at this site.

There will be some apron road work completed on Lake Louise Road to meet County standards.

**F. Silver Lake Playground.**

The maintenance staff at Silver Lake Park has installed the construction fencing around the project area. Final details are being drafted on the construction drawings and earthwork will begin next week.

County Council has approved the purchase of the play equipment from Landscape Structures and the order has been placed.

**VII. UNFINISHED BUSINESS:**

**A. Open Public Meeting Act.**

Mike provided the Commission with a report produced by the Municipal Research and Services Center titled, "The Open Public Meetings Act, How it Applies to Washington Cities, Counties and Special Purpose Districts". The report provides an interpretation of the law and is recognized by the County's legal staff.

The Municipal Research and Services Center has a web site that can be accessed for additional resources and information for those serving on public boards and commissions.

In line with the requirements of the Open Public Meetings Act, Whatcom County Parks provides the advertisement for the meetings, the public posting of the minutes, and follows the recommended filing and records retention practices.

As discussed in the last meeting, changes to the Agenda that are received at least 48 hours in advance is extremely helpful in terms of advertising.

The Whatcom County Parks and Recreation Commission meets strictly in an advisory capacity to the Executive but in accordance with Whatcom County Code is subject the Open Public Meetings Act.

Mike stated that if the commission has specific questions regarding the Open Public Meeting Act he can request input from the County Legal Department staff member that specialize in The Open Public Meetings Act.

**B. Discussion on the recreational use and management of the summer activities at the South Fork of the Fork Nooksack River.**

Jeff Margolis stated that since the last meeting he has done a quick survey of river use though out the United States. He provided federal, state and private organizational web sites to Mike McFarlane and Gordon Rogers that advertise river use such as canoeing and tubing.

Gordon stated for the record that he was unable to open any of the sites that Jeff sent and that URL addresses provided brought him to Jeff's hard drive.

Jeff stated that his research showed where recreational use of rivers transpires all communities experience similar issues. These issues range from disgruntled neighbors to alcohol behavioral and legal issues. Communities deal with the problems in a variety of manners by both the public and private sector but that the running issue and concern seems to be the management of these problems. This seems to be in line with the concerns of the recreational use of the South Fork of the Nooksack River.

Jeff wondered if the question before the Commission is if the management of the recreational use of the South Fork of the Nooksack River is the business of the Whatcom County Parks Department. Jeff stated that he would put forth that yes it is and that the management of the recreational activities should be engaged by the Parks Department as it is a situation that needs management.

Gordon suggested that a motion be made to send a message to the County Executive in the form of a recommendation from the Commission.

**Motion: It was moved by Jeffrey Margolis and seconded by Kenneth Kiesner that the Whatcom County Parks and Recreation Commission send a recommendation to the County Executive for his consideration, to recognize that because there is extensive use of the South Fork of the Nooksack River during warm weather that it shall be the responsibility of Whatcom County Parks to study and address this situation.**

Gordon called for discussion.

Kenn stated that he discussed the problem with some of the local residents. The recurring theme is that the problems of unsafe river conditions and recreational practices, the lack of restroom facilities, river pollution and the alcohol and resulting illegal activities all present a situation that needs to be addressed in some manner.

Mike McFarlane noted that the Parks Department does not have jurisdiction over that portion of the river and cannot act in an enforcement capacity to control the activities. Any change in this would require property acquisition, possible easements and County Council and Executive involvement.

He stated that this area is privately owned and that the Sheriff's Department has the jurisdiction to address and enforce illegal activities and that County Public Works is responsible for addressing road issues.

He discussed that the challenge is that the activity is taking place on the river banks which falls under the Department of Natural Resources (DNR) and the river itself which falls under the Department of Fish and Wildlife (WDFW). Each of these agencies has wardens and enforcement staff to address concerns in their respective jurisdictions.

Mike suggested that if the community would like to see a greater presence in the area to deal with these issues, that an ordinance could be passed to prohibit drinking on the river. This would require involvement of the land owners and has Council budgetary implications but may help to address the litter and behavioral problems that come with alcohol use.

Gordon stated that this motion assumes that it is Parks Department responsibility and would like to see more clarity in the language in that it is not the Parks responsibility but is an issue that needs to be addressed.

Gordon recommended that because the Parks Department does not have any authority over the question it would not be advisable to recommend that the Parks Department assume this responsibility and to amend the motion to read:

**Amended Motion: That the Whatcom County Parks and Recreation Commission send a recommendation to the County Executive for his consideration, to recognize that because there is extensive use of the South Fork of the Nooksack River during warm weather that this situation needs to be studied and addressed.**

After a great deal of discussion Jeff Margolis withdrew the motion, as it was the consensus of the Commission that the motion required more consideration. It was agreed that Jeff Margolis and Gordon Rogers would meet during the next month to draft a motion that would better represent the recommendations of the Whatcom County Parks and Recreation Commission regarding the recreational activities and issues at the south fork of the Nooksack River.

**Action: Mike stated that he would attempt to locate the study that was previously done on this issue.**

The topic was tabled until the June 2013 Commission meeting.

**C. Comprehensive Parks, Recreation and Open Space Plan (CPROSP) – Customer Service Survey.**

Mike provided the Commission with a copy of the survey cards that will be distributed this week to park users, the on-line survey format and the recommendations for the consultant survey.

Mike discussed the changes that were be made to the previous survey. The changes will better reflect current Park services and provide an idea of services that the public would like to see added. This will provide a good comparison between the previous and current surveys.

The survey has also been updated to reflect population growth projections, the Foothills and South Fork Valley areas and Commission recommendations.

It is anticipated that we will receive the draft survey from the consultants in approximately two weeks. The consultant will then begin a random telephone sampling of 200 contacts and compiling the results.

The survey will be placed on the web site for general public input. This information will be compiled by Parks staff.

Kulshan Consulting will be facilitating the public meetings. The schedule is pending survey release. There will be 10 meetings, one of user groups and the rest will be geographically distributed though out Whatcom County communities.

There was discussion for clarification on consultants, survey venues, questions and result computations.

Mike stated that if there were any suggested additions or changes to the survey that they should be received by him no later than tomorrow, May 17th.

## **VIII. NEW BUSINESS:**

### **A. Discussion of the Whatcom County Parks practice of biocide use.**

Jeff would like to discuss and visit the issue of Parks' use of biocide at the next Commission meeting.

Mike asked for clarification purposes if the term biocides refers to the use of pesticides and herbicides and does not include various cleaning products that are used.

Jeff stated that he would like to include cleaning products.

**MOTION: It was moved by Jeffrey Margolis, to place the discussion of biocide use to include cleaning products on the June 20, 2013 agenda. The motion failed for lack of a second.**

Gordon asked if Mike McFarlane had previously addressed this issue with Jeff via email, and was he willing to share this information with the Commission.

Mike stated that he would but that the answer is relatively simple and can be addressed quickly at this meeting.

He stated that other than facilities such as the Senior Centers where there may be increased risk to public health there are only two products that the Parks Department uses.

One is Weed-be-Gon that was used for the first time in 12 years on the Roeder Home lawn to eliminate a persistent broadleaf weed on the lawn.

The second is Roundup, a glyphosate used on paths, trails and parking lots. This is periodically applied by Public Works and other times by the Parks Department.



Roundup is used for the non-aquatic treatment of invasive species such as Japanese Knot Weed. If the application is around or in water or in the water shed a product called Aqua Master is used by Public Works.

Mike stated that he could provide a complete product list of pesticides used by the Parks Department as well as the MSDS sheets for cleaning products used in facilities if the Commission would like to see those. Further, when herbicides are applied the area treated is posted to alert any visitors who may have a health concern or allergy.

Jeff Margolis asked if there was any history of the evidence of Parkinson's disease with the products that the Parks Department uses. Mike stated that he is not aware of any County records that would indicate that this is an issue or that any of our staff have experienced the onset of Parkinson's.

Mike stated that the Parks Department is very careful with pesticide use because of the employee safety issue, storage etc. The use of pesticides is reserved for those invasive species that only respond to a limited number of products. Vinegar is used in the Fragrance Garden for weed control. When over-the-counter products are used they are applied according to the manufacturer's recommendations.

All products that are used have been approved by the Department of Ecology. Their site provides a list of products that can be safely used and where application is appropriate.

The Department of Labor and Industries also provides guidelines for employee safety and the County has a safety committee that also helps address these concerns.

Jeff stated that he is not satisfied because he feels there are other hormonal and biotic impacts that may exist in regard to insects. Mike stated that if Jeff has some specific questions or concerns to communicate them to him and he would do his best to answer and address them. Jeff agreed.

Gordon asked the Commission if they were interested in inviting Laurel Baldwin, from the Noxious Weed Control Board, to provide a presentation on the use of pesticides in weed control in Whatcom County.

The consensus of the Commission was that this would be an interesting addition to the meeting but that not a great deal of time is spent on this issue. Since the next meeting will be at Silver Lake Park it would be a good time to invite Laura to present on the steps that are taken and products used to control Flowering Rush at the lake

**IX. ANNOUNCEMENTS:**

**NEXT MEETING: Thursday, June 20, 2013, 6:00 PM. The meeting will be held at Silver Lake Park.**

**X. ADJOURNMENT: Since there was no further business the meeting was adjourned at 8:50 PM.**

Transcribed by: Pat Fisher, Clerk III

Approved by: Michael McFarlane, Parks Department Director