

**MINUTES — Regular Meeting**  
**CHUCKANUT COMMUNITY FOREST PARK DISTRICT**  
**Wednesday, October 27th, 2021, at 6 PM**  
Online Meeting Through Zoom  
Mailing Address: PO Box 4283, Bellingham, WA 98227

Official email addresses for Commissioners, where public may send comments (subject to public disclosure):

Frank James [fjames.ccfpd@gmail.com](mailto:fjames.ccfpd@gmail.com)

John Hymas [jhymas1331@gmail.com](mailto:jhymas1331@gmail.com) John McLaughlin [johnm.ccfpd@gmail.com](mailto:johnm.ccfpd@gmail.com)

Hue Beattie [hue.ccfpd@gmail.com](mailto:hue.ccfpd@gmail.com) John G. Brown [jbrown.ccfpd@gmail.com](mailto:jbrown.ccfpd@gmail.com)

**Our Mission:** The mission of the Chuckanut Community Forest Park District is to ensure the entirety of the property is protected in perpetuity in public ownership, with respect for its ecological, recreational, and educational functions and to serve as a fiscal mechanism through which the district, via a tax levy, will repay the City of Bellingham for the Greenways Endowment Fund loan.

**Due to the Covid-19 outbreak and the Governor’s “Stay At Home” Order, this meeting of the Chuckanut Community Forest Park District will be conducted online on Zoom.**

A visual and audio recording of this meeting will be posted on the CCFPD website. If your camera is on during the meeting, your voice, likeness, and surroundings, will be publicly available and viewable on the CCFPD website. If you choose to speak with your camera off, or by calling on a telephone, only your voice will be recorded.

**Call to order:** Frank James. Welcome Commissioners and Citizens. Per Chapter 42.30 RCW (Open Public Meetings Act), CCFPD board meetings are open to the public.

**Roll Call:** Frank James, John Hymas, John Brown, and Hue Beattie are present. John McLaughlin arrived later in the meeting.

**Motion:** Moved to approve agenda by John Hymas. Seconded by John Brown. Approved 4/0.

**Introductions:** Bob Carmichael, legal counsel, and Robyn Albro, secretary. Other attendees: Vince Biciunas, Ann Eissinger, Laine Potter, and John Blethen.

**Motion:** To approve minutes by John Brown, seconded by John Hymas. Vote to approve minutes for Sept. 10, 2021, approved by John Brown, Frank James and Hue Beattie. Vote to approve minutes for Sept. 22, 2021, approved by John Hymas, Frank James and Hue Beattie.

**Public Comments:** Barbara Zylstra: I’m curious about the planning for the 100-acre woods and I’m coming tonight because I haven’t drafted a letter yet. I have spoken to all of you previously, so my views haven’t really changed. I participated in the counting of users on Saturday and Monday and engaged with a number of people about what they thought. Most of them had not filled out the survey, but I said I could forward their comments, so I wrote them down. People were very concerned that it stays a wild place and not become a park. Frank James: We look forward to that letter and will include it in our record. Thank you.

**Park Advisory Board Meeting Report:** John Hymas was not at the Zoom meeting. John Blethen: The Board is aware there’s a process going on and that it is not yet time for feedback. Nicole Oliver: We just gave a little update on the master plan process, so everyone is aware that it’s going on.

**Old Business:**

**Master Planning Process and Report on the Steering Committee Meetings:** Collaboration between the Park District and the Parks Department to help more with the Master Planning process.

Frank James: We’re looking at how we can cooperate going forward. I feel it is going really well. I am very happy with Nicole’ leadership and Laine’s leadership in your absence. I think we’re moving forward. I think the facilitator you have is wonderful. He is a fair-minded guy that keeps us moving along.

Vince Biciunas: I think the last meeting was very productive and important because Nicole and Laine presented us with the outline of the Master Plan.

Vince Biciunas reviewed the current outline for the master plan: the purpose, summary, goals, planning process and the existing conditions, site description, the history, site history and the plans for the future. The big items are the main loop trails, who’s going to maintain it, what the current uses are, ecological and hydrologic function, safety and erosion issues. Then restoration, what trail removal and restoration we want to do, realignments of steep areas, mitigation, hydrologic connections, vegetation removal of invasive plants, and trash. One thing I have a question about is filling the drainage ditch in the northwestern arm of what is wetland

JJ. I don't know about that. Then restoring wildlife habitat, but maybe not necessarily beaver habitat. I think this document is too general to specify which habitat. I'm not sure how that's going to go. Next are site improvement and the phasing of the action plan such as what are we going to do first? What's our priority?

Nicole Oliver: We are looking at the schedule and trying to make sure that we have enough time. We are going to adjust the open house to the beginning of December. I think we need to have two meetings with the Steering Committee before we go to the Open House. I want to remind you all that this is a very different master plan than we have done in the past, so I want to have a clear vision and parameter of what this plan is going to include, how it's going to be limited, what those early action items are. The basic core trail plan, which it sounds like we have pretty solid agreement on that core trail plan, and I think we need to have those things dialed in pretty well before we do the open house and get feedback to refine anything. I think things are moving along well. We need to do a little more thinking about bikes. I think we're going to engage a consultant. We have someone in mind to help make sure that the prioritization of improvements from ecological function and type of trail design makes sense. We are going to get someone on board quickly to help us with that work and improve the quality of the maps. I think we'll have time to do some more rudimentary maps along the lines of what we've been using in the planning process for the open house and then within the next couple of months, by January or early February, be ready to have a complete package to take through the approval and review process so I'm feeling pretty good about it.

The feedback we've gotten in the use of Engage Bellingham, with putting out a video to give an overview of that outline and some of the limitations on uses that we're imaging and some of the overall goals of the plan just will be very reassuring for some that might be concerned, like you mentioned Barbara, that there's going to be some sort of park-like development, we are all very much in agreement that this is a wild and special place, and the goals are restoration and protection and using it for education and recreation, but to really be a very natural place. This is a great opportunity to think about this space in a different way than perhaps we have in some of our other park properties, and I'd like to try some things out, but we do need to get feedback from the community and we're committed to that too as part of the process.

Hue Beattie: A couple of things I thought were interesting was Stimpson Reserve was mentioned as a natural area that was developed by the County Parks Department. They have no dogs allowed there and it's got some nice trails and places where you have wetlands. I haven't been through it all, but I've been in a little bit of it and so that is something we could look at for examples. I had a thought after the meeting I was listening to. Vince brought up fire protection. There's a fire hydrant over by Viewcrest on Chuckanut. I was thinking with the climate warming up and having spotty rains, we might take the old quarry, which will never get remediated, and line it with a little bentonite clay and fill it up with water as best we can in the winter months and then have a pump there. It would be good fire protection for the whole area and animals could drink out of it. That could be added to the plan, maybe at a future time. Of course, we couldn't budget for it today, but you know it would be one way to save the area from burning down. I remember that Hoag's Pond used to be a gravel mine to begin with.

Frank James: I had a couple of concerns. One was in terms of trail planning, it seems there's some big steps to go, and I was really happy to hear that you're thinking about bringing in a consultant. The standard for the city, the six-foot-wide berm trail is going to be appropriate in some place, but there's going to need to be trails that aren't six feet wide. I hope that there are places that can be smaller trails. I hope there are opportunities for the types of trails that might be in different places and not just that one standard the city has so far. I think a consultant would be immensely helpful in exploring those options for other size trails.

The second issue was about the cost of putting in the boardwalk over the wetland to the north of our parcel in Fairhaven Park. My understanding is that those kinds of trails can run into \$1000 per foot range when you consider not just the construction, but all the remediation and monitoring and expert consultation. One of the features of this parcel is that I hope that children can see and participate in an over wetland walkway that would allow them to access some of the wetlands so that children as well as adults could appreciate what a mature forest or wetland actually looks like and how it functions, and to do that in a way that would prevent people from getting into the wetland itself. Is that something that might be addressed by this additional input?

Nicole Oliver: I think so. We've done a couple different types of feasibility studies. We must keep in mind that this plan is not going to absolutely answer every question. It's not going to design. What it needs to do is identify what we need to do right away that we can do soon. It needs to set the goals and standards and criteria by which we make future improvements, and it needs to prioritize those. What I want to see from a consultant is a review of where we're at. We've identified a lot of different places that we need to improve the hydrology. Which one should we do first? That will really help us appropriate the proper funding. Every time we build a boardwalk, we're going to have to study the whole area, including impacts and do we have to do

mitigation? We put any structure in a sensitive area and it's a big project so we're going to do one at a time, but what I'd like to do is get a couple of things done soon, such as when we're done with this plan. I want to do some things that will really help narrow and focus the main trails, minimize the type of degradation that's happening, start to work on replanting the areas that are really wide. Those couple key trails that we've identified that I think everyone has agreed need to go away, let's get rid of those. Those are easy early action items. Then what the consultant can help with is our ideas or help us decide which things should go first as far as those priorities for projects. I definitely don't want to put limestone-built trails throughout this forest. I think we need to do just one that goes along the roadbed between Fairhaven Park and the Interurban Trail. Let's just improve that. We have very minimal wetland impacts from doing an improvement. We could make that be the main trail and then do wayfinding. All of the stuff to the south of that is going to have to be one at a time. If you walk that one trail in the winter, it's a creek. We've got to reroute that and it's going to be a big project. We would never improve anything without looking at the impact of getting that trail out of the sensitive area. Those bigger projects could be worked on down the road. Let's be realistic about the early action items and then have someone help us evaluate what next thing should be done first. Our own environmental planner has said which hydrologic connections she would like to see prioritized. Let's get somebody else to just evaluate that and give us some ideas. That's what I see that person doing and helping us with better graphics. Also, the park standard for a trail does not have a width it depends on where we built the trail, so there are some built trails through really sensitive areas that are only four feet wide and then there are big arterial trails, much wider, with limestone where we have busy traffic and children, and we want people to be commuting on those trails. I want to get us quickly into the next phase using everything we've heard so far. Let's articulate this stuff clearly in a visual way and get the steering committee to kind of build some consensus around where we're headed and then go to the public with the Open House. Then we'll be better able to fine tune it and we may need to refer in this plan to other studies. I know you have spoken as a board multiple times about an RFP, but I still don't know what exactly you're hoping to do. I believe from what I heard from the Assessor's office that the debt is going to be paid off this year. I think we're well situated. We're all kind of on the same page. I am feeling really good about it, but I think we need to fine tune the elements and make some real clear interactive ways for the public to respond to where we're headed and then make sure we have consensus and pull it all together and take it through the legislative process.

Frank James: You're thinking of hiring a trail consultant to get help with the trail plan, but it's a bigger vision in that they do other things as well?

Nicole Oliver: The company we're thinking about also could help with the graphics. We want the graphics to look really good. Laine has been awesome with our graphics, but sometimes with a plan like this there's an opportunity to make even the signage, even for the wayfinding, something more polished and maybe have some close ups in different areas in the you are here map. It's a big map and I think we need to have some smaller directional signage as well. It would be good to have someone help us with that.

Frank James: The budget you have to work with was about \$25,000 for the whole project. Is that an estimate?

Nicole Oliver: We spent \$10,000 on our facilitator who's going to take us through the full project, so I'm hoping to get some help. The thing with consultants is if you give them what you already believe to be the case and have them fine tune it and review it, it's much cheaper than to have them start from scratch. We don't need to start from scratch. We know where we're headed. We know what we want. We just need to have them review it, tweak it a bit and then make it look really good. That's much cheaper than starting from scratch. We did not hire a consultant on purpose to do this master plan because we have so much of the content and the data already and it's really about prioritizing the few bits of improvements that we want to do, then marking that main trail and talking about what we want to do about bikes.

Frank James: I think dogs are also a major contention.

Nicole James: I think dogs are one of the things to look at. I just went in there again after our meeting today to remind myself again of exactly where that road was, and I saw three bikes on the main loop heading straight across. Maybe that's the only place we allow bikes, and everywhere else you get off your bike. That would be a really new thing for Bellingham, but this is the place we could try it.

Frank James: The university has a plan where they actually design places where bikes go so that they can't really bike through them, you have to get off your bike. They did that on purpose to keep high speed biking from running into people.

John McLaughlin arrived. John McLaughlin: Everything I've read, received, or heard from Nicole, Laine and from other staff in the Parks Dept I've found to be a far superior quality than anything I've seen come out of the Planning Department. So, when you talk about relying on the expertise of the Planning Department, I get really nervous. There is a history with this place where the Planning Department was trying to grease the skids to allow this place to be destroyed, including a lot of the issues regarding wetlands, wetland hydrology. The maps

of the wetlands still show errors from the developers' consultants of and in connection with wetlands. I've also in my private life reported a number of critical areas ordinance violations, even including violations conducted on city property. I've reported them to several different code officers in the Planning Department and they've ignored them and excused them. I don't think I'm alone in the community of my experience and lack of trust with the Planning Department. So, I have great confidence in you and your work and the work you're doing here, but I really get nervous when I hear any reliance on the Planning Department in any kind of decisions and stewardship regarding this place.

Nicole Oliver: Do you think that the wetland study that's in the baseline report is correct, because that's what we're relying on.

John McLaughlin: The most obvious error if you look in the wetland maps is the division of wetland CC into wetland CC-1 and CC-2. The maps actually show an isthmus of terrestrial soil between those two sections that's continuous wetland. Nicole Oliver: Ok.

John McLaughlin: Frank James got one of the state's foremost wetland experts to go out there who verified, using several different kinds of evidence, that that is contiguous, continuous wetland. But the Planning Department has allowed the error in the maps to continue.

Nicole Oliver: That's really good insight and I appreciate it.

Frank James: Historically, a document to consider looking at is a community EIS we completed with hired and volunteer consultants. We did in fact hire consultants to come in and look at those things again. That document is available. There's both an electronic and written document. Nicole Oliver: We have those documents.

John McLaughlin: I don't want to say you shouldn't rely on planning staff. They're an important resource, but I think there are additional resources that we should use to complement their expertise and again, I would get really nervous if we were relying entirely on an entity that has a mixed record with this place.

Vince Biciunas: I wanted to chime in about the dogs because one of the things that our survey showed and I will be reporting on later. There were 229 people who entered the Forest on Saturday and 290 on Monday. The number of people with dogs was 30% both days. It was 30% and 33% of the people had dogs so that's a big problem. There was one suggestion that we should count the people walking out of the forest with a dog poop bag because that would tell you who's really being responsible, and I think having 30% of the people in there with a dog every day is a staggeringly high number to me. That's aside from the on leash/off leash issue. Frank James: I think that's partly on us for not have done a better job of getting it properly signed before and the expectation that's led people using this off leash dog area and that's something that I think is going to be very difficult to be consistent with the values of preserving this for wildlife. While we were there I did the early shift on one day (9 am) on the side next to the Beaver Pond. These joggers said there's a dog off leash and I looked up the trail and about 30 to 50 feet away there was quite a large bobcat that hopped up from the Beaver Pond and walked down the trail up towards Hoag's Pond. I think it was the female bobcat I see down in Chuckanut Village. There is clearly very extensive use of this by animals like deer. The cougar goes through there at some times of the year and the bobcats, and these are going to be very difficult to reconcile with off leash animals. I feel we really need to at the soonest possible time clarify that this is definitely not an off-leash dog area.

Hue Beattie: I did some research reading through Park Department stuff. There's 3,649 acres of parks and we are 1/364<sup>th</sup> of that in community parks. There are 24 neighborhood parks. There are no dogs allowed at Big Rock Garden, Woodstock Farm, on the playgrounds and spray parks and the ball fields. I'd like to not allow dogs in the art park or in our Forest because we need to get our wildlife established better in there and there's plenty of places to walk your dog. Every sidewalk, every street you can walk your dog. Plus, you have all these other parks, thousands of acres of other parkland that you can walk your dog. The Stimpson Reserve, which is a County Reserve natural area, does not allow dogs. I'd like to move that we don't allow dogs in this area so it can establish itself.

Frank James: I think it is not the time for a motion now, but we could certainly consider that at a later time. Nicole, the concerns that I have about the process I have seen outlined so far is that I think there are very serious issues about the hydrology. There are connections that have been manufactured and some of the wetlands were drained already. There is a large ditch through the middle of the thing. There are a variety of issues that are not well understood. I also think there's a considerable issue around the spot that Hue wants to put a fire retention pond. I think it's a great idea, but I think it would need more study beforehand with anybody who's going to do that. Likewise, I think there's a great deal needed before we determine where the trails would be and what kind of trails should be there all the way down to the standards level and a variety of standards. To that end, a number of meetings ago we approved a budget, a little larger than what you have, to

get a consultant or consultants together that would provide some of that expert consultation to the process, not meaning to be adversarial at all. We are just wanting to make sure there is an adequate resource to consider those issues of hydrology and of planning with respect to the trail system so that we don't rush into it and get it wrong, but rather have the expertise to move forward methodically and in a very informed way. Certainly, the graphics and things that's great for the program to do. I don't think we have any interest in that at all. It's a very valid interest from the process, but we really wanted to see that the science got done on the front end, so we don't make mistakes. This is kind of our last attempt to be helpful. We did that rather large amount, knowing the city was a little short on funds to get this done and trying to be as positive and supportive as we can to the process. I think there has been concern it was a unanimous vote to put that much money into it. It's been slower to come about and part of that's my fault, but it's been crazy busy. We do have an RFQ that will be reviewed today to allow us to let a bid out for some additional consultation. We want that to be in service of the process that's going on, but I think we really do feel that we need more expert consultation on issues like hydrology and trail planning and the issue of how you can successfully have bicycles and people on the same trails and how you could successfully either allow or not allow dogs into the area. Those are some of the issues that really need as much expertise as we can get.

Nicole Oliver: I remember coming to your board meeting in the basement of the Fairhaven Library about 2 ½ years ago and urging you to get some consultants on board to start working on this, so we're a little bit behind schedule on that, but I think that the person we're looking to hire does have some good expertise in trails and hydrology and they want to help. I/We welcome whatever you're able to contribute to the process and help us evaluate. You know what we're coming up with, but it's time to start making some decisions I think and start putting forward some concepts. Every time we're going to decide to actually do something, we're going to have to do all the environmental studies to make sure we do it right. Just like what and that was the purpose of Todd's explanation of what it took to improve that one horrific crossing. It's a big deal and it takes years. We don't have to have all the answers in order to have a plan. It's the implementation that you really dial into each spot, and you have to really look at all of it very carefully, but I think we have a lot of information that we can use to the make the plan, but again, I would welcome any help and consultation you're able to get us. I have to go to another meeting now. I really appreciate all your efforts and I think we're doing a great job on this plan.

John Brown: We're going to talk more about hiring a consultant later in this meeting, but the obvious solution would seem to be that our consultant meets with Nicole's consultant and these two geniuses put their minds together and get it done.

Frank James: It was wonderful to have her support and endorsement for going forward with that. I really think we want to be as cooperative and supportive and in service of the same goals as you say, but also to bring expertise too.

#### **Hiring of Consultant.**

Bob Carmichael: I met with the manager of the local auditor's office and her boss, who is not local, because I raised a couple of issues, the main one being there was no indemnification provision in the data sharing agreement and to my way of thinking that should be in almost any contract of this nature. As a practical matter, while it's highly unlikely, but if the district, in sharing its data with the SAO had that data compromised and through some kind of security breach that was so small, I believe SAO should step up and essentially defend the district and make sure the district was held harmless and that's not the way the agreement reads. I told them I thought it was something they should have in there. They've gotten a lot of signatures on these documents from local governments, and they'd managed to get a lot of them without having an agreement like that, so I don't know if they're going to be willing to add the provision I requested. I had the meeting with him last week. Their attorney was on vacation. Fortunately, he wasn't there so they were going to talk to him this week. I have not heard anything back from them, so I don't know what the current status or their review on that issue. I also raised another couple of issues, one is that if there was any legal action, the way the agreement was written it would have to be in Thurston County as the venue. I said no, it should be Whatcom County because you're dealing with a small district in Whatcom County, and they agreed to add that change to it. There was another one they agreed to add. The one that they have not agreed to is the one just mentioned, indemnification and that's currently under review. I know they're anxious to get this agreement signed. They have a mandate from the legislature. I think that this can wait until the Nov. 10<sup>th</sup> meeting. I expect we'll hear back by then whether they'll agree or not and then the board can make a decision. If they don't agree to include it, I'm not sure I would counsel you to sign it. We do need to get an audit when an audit is due. I'm not sure what their position will be on going forward with an audit if we don't sign it. It is definitely an issue worth pushing back at them on and that's what I've done.

**Data Sharing Agreement with the Washington State Auditor's Office.**

Bob Carmichael: I met with the manager of the local auditor's office and her boss, who is not local, because I raised a couple of issues, the main one being there was no indemnification provision in the data sharing agreement and to my way of thinking that should be in almost any contract of this nature. As a practical matter, while it's highly unlikely, but if the district, in sharing its data with the SAO had that data compromised and through some kind of security breach that was so small, I believe SAO should step up and essentially defend the district and make sure the district was held harmless and that's not the way the agreement reads. I told them I thought it was something they should have in there. They've gotten a lot of signatures on these documents from local governments, and they'd managed to get a lot of them without having an agreement like that, so I don't know if they're going to be willing to add the provision I requested. I had the meeting with him last week. Their attorney was on vacation. Fortunately, he wasn't there so they were going to talk to him this week. I have not heard anything back from them, so I don't know what the current status or their review on that issue. I also raised another couple of issues, one is that if there was any legal action, the way the agreement was written it would have to be in Thurston County as the venue. I said no, it should be Whatcom County because you're dealing with a small district in Whatcom County, and they agreed to add that change to it. There was another one they agreed to add. The one that they have not agreed to is the one just mentioned, indemnification and that's currently under review. I know they're anxious to get this agreement signed. They have a mandate from the legislature. I think that this can wait until the Nov. 10<sup>th</sup> meeting. I expect we'll hear back by then whether they'll agree or not and then the board can make a decision. If they don't agree to include it, I'm not sure I would counsel you to sign it. We do need to get an audit when an audit is due. I'm not sure what their position will be on going forward with an audit if we don't sign it. It is definitely an issue worth pushing back at them on and that's what I've done.

**New Business:****Report on Survey of Users of Chuckanut Community Forest in October by Vince Biciunas.**

Frank James: A debt of gratitude to Vince. I enjoyed participating and appreciated your support and coming around to check on us.

Vince Biciunas: The visitors survey was conducted on Saturday October 9<sup>th</sup> and Monday October 10<sup>th</sup>. We had more people volunteering who then ultimately couldn't fill the spots that were still available. 36 people did the survey and 40 or more who volunteered. Some did more than one hour, or an hour each day, or three hours. The weather was mild on Saturday, a cloudy day, started drizzling around 4 pm and then raining steadily by 5 pm, thought we were going to go till 6 pm, I called it off. Monday was a beautiful sunny day, little chilly but stunning. It was also a holiday, Indigenous People Day – Columbus Day, which I hadn't considered when we set the day. Some people had work off, but schools were operating. At least 229 folks entering on Saturday and 290 visiting on Monday. Highest volume came in the north entrance, which is from Fairhaven Park and 18<sup>th</sup> St. We had the counters at the stone benches that Recreation Northwest put up. Both Monday and Saturday, coincidentally had 131 each day. At Viewcrest it was 47 coming on Saturday and 68 on Monday, which was that sunny day. Bigger volume also at the Interurban with 51 going into the Forest on Saturday and 91 on Monday. Children were 19 on Saturday and only 9 on Monday. As for canines, there were 180 coming and going. When I did the math with 229 people entering with 70 dogs, that proportion is 30 % and on Monday the proportion was up to 33%. There were fewer bicycles than dogs. Some bicycles counted were the skateboard with one wheel. Frank saw the bobcat on the Interurban as he was chatting with some runners. There were some groups, there were no educational groups of young children. The only groups were either family groups or jogging or walking clubs. And many of the comments that Barbara and others took down, which I have not typed up yet, were please preserve the wild nature of this Forest. Everybody who uses it is interested in maintaining the ecological value of the place, even the people with their dogs. I think a huge thing going forward is education of the dog people, because we know that a third of the users are dog people, I don't know if we'll be able to exclude them, Hue, as I would like to, like at Stimson. Maybe that's a long-term goal and not a short-term goal. Robyn will work with Vince on the spreadsheets, including separate numbers of people going up and down the Interurban trail that Frank kept on Saturday, which were 310 on Saturday and 352 on Monday.

Frank James: Most dogs were on leash, only a few off leash. Vince Biciunas: One of the comments was yeah, I bring my dog on leash but then one we're in the forest away from eyes, I let my dog run loose. Hue Beattie: They have an off-leash area down by the sewer plant already, right? Vince Biciunas: Yes.

John Blethen: I've got a question about the north entrance. Did you differentiate between people that were driving, using the parking lot coming through Fairhaven Park?

Vince Biciunas: No, we did not have enough people because each day needed ten people.

Frank James: Quite a few of the interurban users met there and came in groups. They weren't really using the Forest at all.

Barbara Zylstra: I talked with most people at least a little during the survey. One thing I noticed was that people who had their dogs off leash, just as they're coming around the exit, put their dog on leash. I think people really do let their dogs off leash, but I'm really concerned about bicycles. I couldn't talk to them as they just go right on by. Part of it is I'm a fair-weather cyclist on the Interurban. It's right next to the woods. I don't think there's an advantage to being in the woods on a bicycle and if we have small paths, you're not going to have bicycles and people on a small path. The bicycles are going to dominate and you're going to have to get out of their way. I already dodge bicycles in Fairhaven Park. I am concerned that people do on their bicycles, going off the path, like people do with letting their dogs off leash when no one is looking. Some parks have been destroyed by off path bicycles. I would really like to see us limit bicycles in the Forest.

Frank James: One of the people utilizing the Forest took us over to a new illegally constructed jump and banked trail over on the southwest corner of the Forest. Vince and I went back and looked and it's sort of almost contiguous with the work being done just outside the Forest and I think we're going to have to give some detailed thought about how to limit that, maybe even build a fence to prevent bicyclists coming through. Not only is it destructive in and of itself, but it also allows for invasive species to enter the Forest. Thank you for that report Vince. I think it was a very very useful exercise.

### **Review of 2021 Budget and Upcoming Budget for 2022/2023.**

Frank James: Are there things that aren't in this budget that we need to put in it and then is that when are we going to stop the tax levy. If people had a chance to look at that budget and are there things that need to be in there?

Robyn Albro: When I did the budget, I put paying off the loan into the next year, because that was the way we had it in our approved budget for 2021, which only included going up to that \$695,000. When Karen with the Treasurer's Office did the Loan Activity document, she included paying off the loan in 2021. The expenses are also different from what I did. She had us paying off the loan in 2021. We do have enough cash to pay it off in 2021. I sent her what I had done, which was finishing paying it off in 2022. I'm not saying which one is right, I'm just explaining the difference between our two budgets.

Frank James: Did she include in her version the amount we're going to have to give to the Land Trust for the legal assurance that they will be able to defend it over time?

Robyn Albro: It was included in our budget, but not in hers. Numbers that were not included in the Treasurer's Office Chuckanut Loan Activity document were: 2021 \$5000 reserve, the \$30,000 for the consultant, in 2022 the \$25,000 reserve, the \$10,000 negotiation fees for the Conservation Easement with the City and with the entity that takes over the Easement, and all the 2023 budget numbers. All of this depends on when the Park District ends. I tried to give realistic numbers with a little bit of an edge so that there was a bit of wiggle room in case things come in higher.

John Hymas: Election costs? Robyn Albro: I looked at the last two elections and one was \$5600 and the last one was \$4600, so that is why I budgeted \$6000. That will come at the end of this year or the beginning of next year. I also estimated the audit at the end. I don't think we are on schedule to have more than one audit.

Bob Carmichael: We need to discuss this tonight because we need to have a Public Hearing for the Levy and a Public Hearing for the Budget at the Nov. 10<sup>th</sup> meeting. You will approve the budget and levy following those public hearings at your next meeting. What would be helpful would be to have a preliminary direction on the budget and once we know that, we can have a levy prepared as well for adoption at the November meeting. If the board wants to consider a range of options, we could do a number of potential levy amounts and have the board look at that and decide on which one it wants to go for. It does seem to me, based on these numbers from Robyn, that some levy is going to be required for 2022. I know she was working with Catherine in my office on this for the last couple of days. If you look at the cash on hand and the other obligations, I think Robyn did the budget pretty conservatively here. If we levied \$136,000 that would cover two years of expenses, for 2022 and 2023. That would be a levy rate of 4.6 cents per thousand. As you know, your levy rate every year has been 28 cents per \$1000. Theoretically you would not need a levy for 2023 at all, if these numbers are correct, but it would give you the latitude to do a small levy in 2023 if you needed to. The idea of front loading the levy this year makes some sense to give the board the ability to levy more if it needs to, but not levy more than it has to. If you wanted to set different parameters and say you want to know what a \$.05 per thousand levy would look like, that would be \$148,000, that would be \$12,000 more than what Robyn has here. If we wanted to reduce it to 33 cents, that would be a similar reduction going the other way.

Frank James: It seems like the one thing we do need to do and now is the time to do it, is we should get back to the Land Trust. I think we've got a pretty good idea of what the conditions of the Conservation Easement will be, as there is consensus on the Steering Committee. It will be substantially changed in the direction, if not

entirely the same as what we had discussed as being desirable, and a much more defined thing that they would need to defend. I think we need to get back to them and say how much money are we going to need to put into the fund. It works like a risk pool where you put so much money in and then you're able to withdraw what you need to do the legal defense at a later date. They've estimated between \$50,000 and \$200,000. Bob, do you think that we'll be able to amend the Conservation Easement with the City?

Bob Carmichael: I think it's highly likely that we will. Frank James: Then I'll try to get back ahold of the Land Trust and reengage them around that issue. They thought they might need a whole year to put that through there. They've got a rather complex formal process now for approving taking on this sort of thing and with something with this big price tag for them to defend it, I think they're going to put it through the whole process. I think we will be expected to put up whatever amount of money it is that they believe they'll need, so I think that now is the time to initiate that discussion and that will inform the budgeting process, so I'll try to do that in the next few days.

Bob Carmichael: It's important to understand that the estimate Robyn has in terms of what would need to be levied is \$135,000. The biggest chunk is driven by what we're setting aside for the Land Trust, and you've homed in on that Frank. If it's only \$50,000 we don't really need a levy at all, but the problem is I'm not sure you're going to get an answer from the Land Trust before you need to make a decision.

Frank James: Yeah, I think we should assume the worst actually and the residual money has got to go to the purposes of our organization, so we'll turn it over to the city. But I think it would be if we turn it over to the City it goes to the general fund. Bob Carmichael: Correct, it goes to the general fund and the statute does not say it goes anywhere else so we would have to negotiate something separate with the city to make sure that they would put it towards this particular park, which I think we all believe they should, but they don't have to do that. It is something we need to address with the city.

John Brown: I move that we present the budget figures for approval at the next meeting, and we present a levy at the next meeting on November 10 and that a public hearing be set for the tax levy on November 10 and a public hearing be set for the budget for 2022 on November 10. Hue Beattie seconded.

Hue Beattie: Do we do this hiring of the consultant at the same meeting? We're going to have this giant crowd of angry taxpayers and then do the consultant after that or before that. What's the timing for these things?

Frank James: I think we're cutting the levy down to four cents from 28 cents. There probably won't be an angry crowd, though there might be, you never know. John Brown: I think we're going to catch flak one way or another. Just let Robyn organize the meeting.

Voted to approve the motion 5/0.

Bob Carmichael: As it's \$136,000 we're trying to raise then I'll probably do two other levies, a little above that one and a little below that so you can see the difference between the choices.

#### **Urban Forestry Plan Letter** by John McLaughlin

The next item on our agenda is the Urban Forestry plan letter that John McLaughlin was coerced into preparing at the last meeting. There were a couple of items in the urban forestry plan that really didn't quite measure up or make sense and John was going to prepare a letter about that. It refers to our beloved forest as a young forest tall and it is a mature forest, and it holds a mature wetland and we wanted that recognized in the city planning. John McLaughlin: I'm still working on that. I'll get to that very soon.

#### **Other New Business**

Hue Beattie: I was thinking that at our next meeting with the park people that they should get the entrance signage figure out and fixed up and discussed and polished up, it would help, I think. They have a sign shop they could show the group what they're planning for signs, and we could critique it, they could get feedback and they could print some and get some up. You don't have to do the whole Forest. Hue Beattie: I move that we recommend to the master planning group that we get some signage up, at least at the entrances and they present the designs, and we can critique and polish it as soon as possible. Approved 5/0.

#### **Monthly expenses and cash flow sheets.**

**Petty Cash:** WECU Bank account balance as of 9/30/2021 was \$2,967.

**Treasurer's Report:** As of September 30, 2021, Whatcom Co. Treasurer's Monthly Report, beginning unencumbered cash balance (9/01) \$241,778, ending unencumbered cash balance (9/30) \$253,008. We received tax revenues of \$16,084. Paid out \$2,553 in operating expenses, and \$2,301 was paid on our loan to the city of Bellingham.

Current debt outstanding as of 9/30/2021: \$304,354.

**Motion:** To approve District Payroll Input Form by John Hymas, Seconded by John Brown, for wages for Robyn Albro, 27 hours in Sept. 2021, total gross of \$675. Approved 5/0.

**Consent Agenda: Motion to approve following payments** by Hue Beattie, seconded by Frank James. Approved 5/0.

- Payment on September 15, 2021, Invoice #95963, from Carmichael Clark PS for \$1,899.50 for regular professional services.
- Payment on the August 31, 2021, Invoice #33075 for \$30 from Whatcom County Administrative Services for Processing of Payroll.

**Reminder:** R. Albro will send an email to three board members right after the meeting, Frank James, John Brown, and Hue Beattie. Please respond confirming that you approve the paying of bills as listed in the consent agenda and payroll.

**Next meeting will be in TWO weeks:** November 10th, 2021 at 6 PM.

**Adjourn.** Time: 7:46 PM.