

**Bend Metro Park & Recreation District  
Board of Directors  
Work Session, Executive Session & Regular Meeting  
May 1, 2007**

BOARD PRESENT: Suzanne Johannsen, Ruth Williamson, Bob Woodward, Don Smith and Ted Schoenborn.

STAFF PRESENT: Don Horton, Bruce Ronning, Lindsey Lombard, Ed Moore, Dave Crowther, Theresa Albert, Norm Ziesmer, Wayne Smith, Jan Taylor and Paula Lowery.

LEGAL COUNSEL: Neil Bryant and Mark Reinecke.

MEDIA: Yoko Minoura.

VISITORS: Dick Tobiason, Jeff Lightburn, Bob Maxwell, Dennis Hungerford, Michael Graham, Hoby Heron and Rick McKee.

**WORK SESSION**

Chair, Suzanne Johannsen, convened the work session at 5:30 pm.

**Dick Tobiason - Flag Program Proposal**

Dick Tobiason presented a proposal for displaying flags in district parks and the community. He also proposed a veterans memorial for Brooks Park and explained the link from the memorial to the Veterans Memorial Bridge (Newport Bridge), the Randy Newman Walkway and the Bend Parade of Flags. He noted that the memorial design concept would honor all veterans who serve and will serve and explained funding would be achieved through donations and grants. He stated that it is hoped the project could be dedicated on Veterans Day in November. Bob Woodward stated that he would like to see additional design proposals from staff and ensure that all veterans are honored. Ruth Williamson stated that she felt the memorial space could create a quiet place of respite to tie to downtown. Dick also referred to the city's lack of flags and welcome signs at the city's entrances. He suggested that flags could be installed at the north and south berms and in Drake and Farewell Bend parks. He explained the flags would be donated and replaced every year, and that each site would require lighting. He suggested that flags could be installed at these sites in phases and he currently has \$12,000 in donated materials for the flag program for the downtown sites. Don Smith stated that he didn't have any problems with the proposal. Ruth Williamson stated that she thought the proposed sites were well thought out and she would like to have more information from staff regarding installation and maintenance costs. Dick also announced that a memorial service would be held on June 15 for Vince Genna at the stadium and stated that it has been proposed that the stadium be renamed the "Vince Genna Veterans Memorial Stadium". Suzanne

Johannsen stated that it appears the Board is in support of a flag program and would like staff to review the proposal and provide pertinent information for further Board consideration.

### **JayCee Playground**

Bruce Ronning identified the location of JayCee Park, adjacent to the railroad tracks in an older, dense neighborhood near Genna Stadium, Kiwanis Park and Bend High School. Norm Ziesmer noted that a number of young families with young children are now living in the neighborhood; he believes it is a good idea to try to bring some of the basic features of a neighborhood park to JayCee Park. Norm displayed a proposed park design and identified various amenities to be installed in the park including a play structure, swing, bike racks, benches, trash receptacles, and landscaping. He stated that park lights would probably eventually be installed to provide some protection against vandalism and better visibility for park users in consideration of the large tree cover on the site. He noted that the number of mature trees in the park would provide shade which is something that is being requested more and more for sites with play equipment. He stated the play structure would have a railroad theme and shared designs of the play equipment. Bruce Ronning noted that there is money left in this year's budget to spend on JayCee. The Board consensus was to move forward with the project.

### **Juniper Parking**

Bruce Ronning referred to previous Board discussion of the overcrowding of the parking at Juniper Park. He explained that staff would like more defined direction as to how to address the issue. He explained various alternatives would be presented for Board consideration. Norm Ziesmer reviewed various options developed by staff including improvements to existing parking and relocating the horseshoe courts. He identified a site off 5<sup>th</sup> Street, adjacent to the ball field where additional parking could be provided as well as adding spaces in the existing 6<sup>th</sup> Street and 7<sup>th</sup> Street lots. Don Smith suggested moving the horseshoe courts to the 5<sup>th</sup> Street side of the park. He added that would provide more parking access for the horseshoe court users, particularly when there is heavy activity at the swim center. He also stated the horseshoe courts should be moved before doing the parking lot construction on the current horseshoe court site. Bob Woodward agreed and shared concerns for the seniors accessing the swim center from the north side parking lot during the winter months due to the downhill slope. Don Horton stated that staff is considering making the parking improvements in phases to avoid loss of parking spaces during peak times of park and swim center use. He also noted that these improvements will be subject to city land use regulations and require permits for construction. Bruce Ronning stated that staff has been researching the possible use of SDC reimbursement fees on the parking improvements. He noted that \$381,000 has been collected to date in reimbursement fees. He explained that neither the state statute defines reimbursement fees as a "fee for costs associated with capital improvements already constructed or under construction when the fee is established, for which the local government determines that capacity exists". He stated that staff sought legal counsel regarding the interpretation of the statutes as they could apply to funding the parking improvements and explained the statute provides that reimbursement fees may only be spent on capital improvements associated with the system. Neil Bryant explained that the state statute, nor the district's SDC ordinance, defines "system", and is susceptible to both broad and narrow constructions. He added that upon review of the district's SDC ordinance and the state statute, he has concluded that the expenditure of reimbursement fee revenues for construction of the additional parking at JSFC does not appear to violate either the ordinance or state statute. He explained it gives the Board some flexibility

and he does not anticipate a challenge to funding the parking lot improvements with the reimbursement fees. Bruce noted that the Board would receive additional information regarding funding the parking improvements in the 2007-08 budget.

### **EXECUTIVE SESSION**

Pursuant to ORS 192.660 (2) (e), Chair Suzanne Johannsen convened an executive session at 6:40 pm. The executive session was concluded at 7:28 pm.

### **REGULAR MEETING**

Chair Suzanne Johannsen called the regular meeting to order at 7:30 pm.

### **CONSENT AGENDA**

1. Minutes - April 3, 2007 Work Session & Regular Meeting and April 17, 2007, Work Session
2. Approve joint sponsorship - JSFC scoreboard
3. Award landscape and irrigation contract - Al Moody Park
4. Award playground installation requirements contract
5. Award Pine Nursery Phase 1A contract
6. Adopt Annual Action Plan
7. Award additional services for Administration & Recreation Services Building
8. Approve amendment to Recreation Benefits Policy
9. Adopt Annual Action Plan
10. Award Recreation Connection contract
11. Approve additional services for Administration & Recreation Services Building
12. Approve amendment to Recreation Benefits Policy

Bob Woodward moved to approve the consent agenda. Don Smith seconded the motion. Suzanne Johannsen declared a potential conflict of interest with item number eight, awarding of the Pine Nursery Phase 1A contract, and asked that it be considered by separate motion. Bob Woodward moved to amend his motion to exclude item number eight. Don Smith seconded the amended motion. Bob Woodward, Don Smith, Ruth Williamson and Ted Schoenborn and Suzanne Johannsen all voted aye. Motion passed.

Bob Woodward moved to approve item number eight, awarding the Pine Nursery Phase 1A contract. Don Smith seconded the motion. Bob Woodward, Don Smith, Ruth Williamson, and Ted Schoenborn all voted aye. Suzanne Johannsen abstained. Motion passed.

### **Consider adoption of Resolution No. 288 to adopt SDC inflationary increase**

Lindsey Lombard explained the Board is asked to adopt the SDC inflationary increase annually. She stated that this year's increase is 6.3% based on two different schedules: the Engineering News Record, which is the cost of construction and the cost of land in the Bend area. She explained the greater increase in this year's calculation was a result of the increase in the cost of land. Bruce Ronning noted that the period in which that is measured is between October and September (October 2005 - September 2006) which captures the period of time when land was inflating at its greatest rate. Bob Woodward moved to adopt Resolution No. 288 setting the BMPRD SDC fee schedule contained therein effective July 1, 2007. Don Smith seconded the motion. Bob Woodward, Don Smith, Ruth Williamson, Ted Schoenborn and Suzanne Johannsen all voted aye. Motion passed.

**Conduct a public hearing: Construction Manager/General Contractor (CM/GC) – Administration Building**

Chair Suzanne Johannsen opened a public hearing to accept comment on the Contract Review Board's (CRB) draft findings for an exemption from the competitive bidding requirements for a certain public contract pursuant to ORS 279C. The CRB proposes to use the alternative contracting method of CM/GC (Construction Manager/General Contractor) for construction of the project known as the Administration Building. Draft findings to support these exemptions are contained in Resolution Number 289. As there was no public comment, Chair Suzanne Johannsen closed the public hearing.

**Consider adoption of Resolution No. 289 to adopt findings for CM/GC – Administration Building**

Bob Woodward moved to adopt Resolution Number 289 to use the CM/GC contracting method for the Administration Building project. Ted Schoenborn seconded the motion. Bob Woodward, Ted Schoenborn, Don Smith, Ruth Williamson and Suzanne Johannsen all voted aye. Motion passed.

**Award legal services contract**

Don Horton explained three requests for proposals were received seeking the district's legal services contract. He stated the proposals were reviewed and interviews were conducted by a committee of staff and board member, Don Smith. Don stated it is the committee's recommendation that the district's legal services contract be awarded to the firm of Bryant, Lovlien & Jarvis. Don also stated that the contract will include a provision that allows the district to seek other legal counsel in the event that Bryant Lovlien & Jarvis cannot respond in a timely manner on an issue or in the event there are specialized legal services needed that the firm cannot provide. He stated that Neil Bryant will continue to be the district's general counsel. Bob Woodward moved to approve a contract with the firm of Bryant, Lovlien & Jarvis PC to act as the district's lead firm for legal services. Ruth Williamson seconded the motion. Bob Woodward, Ruth Williamson, Ted Schoenborn, Don Smith and Suzanne Johannsen all voted aye. Motion passed.

**Sale of surplus property – Woodriver Village**

Don Smith moved that the executive director be authorized to sell the surplus property within Woodriver Village for not less than \$200,000 with the net proceeds to be used to improve the parking lot and trailhead located across from the property being sold, and other park system improvements within the Woodriver Village area, including the pedestrian trail along the river. This transaction is subject to the removal of the reversionary clause. Bob Woodward seconded the motion. Don Smith, Bob Woodward, Ted Schoenborn, Ruth Williamson, and Suzanne Johannsen all voted aye. Motion passed.

**EXECUTIVE DIRECTOR'S REPORT**

**Board/Budget Committee Tour**

Don Horton reminded the Board of the budget tour scheduled for Wednesday, May 2, beginning at 10:00 am at the district administrative office.

**GOOD OF THE ORDER**

Bob Woodward complimented Andie Lindgren on the Summer Program Guide. He stated he thinks she did a wonderful job.

Wayne Smith noted that registration for summer programs is opening on Saturday, May 5. He stated that the administration office will be open that day to accept registration from in district residents, and patrons may also register for swim and fitness programs at JSFC the same day.

Don Horton reminded the Board that the May 15 meeting is a budget meeting and noted the Board candidates have been invited to attend the budget meetings.

As there was no further business the meeting was adjourned at 7:50 pm.

Prepared by,

Paula Lowery  
Executive Assistant

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Suzanne Johannsen, Chair

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Ruth Williamson, Vice-Chair

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Bob Woodward

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Ted Schoenborn

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Donald K. Smith