

**Bend Metro Park & Recreation District  
Board of Directors  
Work Session  
April 21, 2009**

- BOARD PRESENT:** Bob Woodward, Ruth Williamson, George Thayer and Ted Schoenborn.
- STAFF PRESENT:** Don Horton, Bruce Ronning, Lindsey Lombard, Ed Moore, Jan Taylor, Wayne Smith, Theresa Albert and Chris Zerger.
- LEGAL COUNSEL:** Paul Taylor
- MEDIA:** Erin Golden, The Bulletin and KOHD.
- VISITORS:** See attached list.

**WORK SESSION**

Board Chair Bob Woodward convened the work session at 5:30 pm.

**Colorado Street Dam Safe Passage Report**

Gary Lacy, Recreation

Engineering and Planning, reviewed current hazards of the Colorado Street Dam and stated it is an extremely hazardous situation for in-stream users of all types and a blockage for flooding, debris and ice. He presented a preliminary design report for board consideration. He noted the development of these options presented quite a challenge to address the issues of public safety, navigability, recreation enjoyment, and environmental preservation along with keeping in mind the community and landowner interests. Bob Woodward thanked Gary for his presentation and asked about the next steps. Bruce Ronning explained that following the revision and refinement of the plan it will be brought back to the board for final comment and board approval. He stated this project is not a top tier project of the CIP and the funding sources will need to be determined. He added the Bend Paddle Trail Alliance would like to work on private fund raising and there may be some grant opportunities available. Ruth Williamson asked about the concerns regarding the fish spawning area. Bruce explained that the passage has been pushed to river left to avoid the spawning area.

**Mirror Pond Update**

Ryan Houston, Executive Director of the Upper Deschutes Watershed Council, presented a report on the Mirror Pond sedimentation problem. He reviewed the background of the effort to study the issue and identified consultants who were brought in to assist with the study. He summarized the findings of the report and conducted a PowerPoint presentation identifying areas of concern on Mirror Pond. He explained there is no single entity that owns or manages all aspects of the problem. He stated the park district is the largest landowner and obviously a very big stakeholder in the process, however, no one actually owns the pond, and no single entity manages how the water moves through the river. He noted there are also very strict federal and state requirements regarding what can and cannot be done in rivers and streams and both require fairly extensive analysis for a project of this type. He added the diversity of stakeholders is extremely challenging to work with and identified the groups that need to be involved in some way. Ryan identified the key hurdles to the project noting that part of it is technical and will require a tremendous amount of public involvement and public communication. He referred to a scope of work that resulted in an estimate of approximately \$500,000 for the alternative analysis and planning stages, and depending upon the direction taken, a cost of between \$2 million and \$5 million to do the project. He noted the community support element needs to be in place before you engage the regulatory agencies and you can't engage the community until you have funding. He reviewed the recommendations presented to the city council including establishing an independent management board with no single entity in charge. He also reviewed a set of tasks for the management board to address. He explained the city manager's office is going to work to convene the management board and stressed the city manager's office is not functioning as the leader of the management board, rather doing the work of sending out letters of invitation to the key entities to serve on the management board, and host the launch of the group. Ryan referred to the dam and the impact on the sedimentation issue. He stated questions need to be answered with regard to the purpose of the dam

to generate electricity and the efficiency of that system. He stated there is no timeframe within which those questions need to be answered and it is important to ensure the dam operators are engaged in this process. Bruce Ronning thanked Ryan Houston for the work he has done and his persistence in pursuing a solution to the sedimentation problem. He stated his very optimistic that this project will now move forward as a result of Ryan's efforts. Bob Woodward thanked Ryan for his presentation.

### **Special Events Policies & Community Event Reservation Guidelines**

Jan Taylor and Ed Moore presented proposed special events policies and community event reservation guidelines and referred to documents provided in the board report. Ed Moore explained the process used to date was fairly simple, but not comprehensive in terms of addressing ADA access, insurance, etc. He referred to the specific guidelines for each park and provided in the board report and stated he believes they are workable for both the event organizers and the district as steward of the park properties. Jan Taylor explained that staff is presenting the policies for board review and seeking feedback. She noted staff has provided a revised funding structure for special events and park use. Bob Woodward stated that for him it is important that the policies and guidelines are spelled out for the users and that they have recourse in case there are disagreements. Jan stated the policies also provide for negotiation with event organizers to attempt meet everyone's needs. She pointed out the maximum number of events allowed particularly in Drake Park and Riverbend Park that has been set at six events per month. She stated that it has been determined that it allows for ample use of the parks and a sufficient amount of recovery time for the parks between events. She also reviewed the maximum number of events allowed in Farewell Bend, McKay, Shevlin and Compass parks and explained how those had been determined based on the parks characteristics. Don Horton referred to the pre and post meetings that are conducted with the event organizers and explained how that has helped address needs and issues, especially where long-time events have evolved over the years. George Thayer expressed concern for giving preferential treatment to events year to year. Jan explained that does occur and it is given in consideration of how much work is required to put on an event, and as long as it is an event the community is supporting, the district does not make a judgment about the event. George also expressed concern regarding park use by non-profits vs. commercial users in terms of fees. Don stated that is a policy decision for the board, and if the board feels strongly that non-profits should have preference, staff will need to find a way to make that happen. George suggested setting a limit on the number of years an event is allowed to use the parks. Ted Schoenborn stated that what is fair is that well established events should have priority for reservation, unless they have had serious issues, as they are an important part of the culture of this town. He cited Munchin' Music as an example and stated it is a reasonable thing to expect that to occur every Thursday night during the summer, and to continue to allow that is not an unusual precedent. Bob stated he thinks we should allow those events to occur as they have until it is determined they need to move to a bigger location. Jan then referred to the guidelines defined for each park included in the board report. She referred to the Drake Park Policy established in 1996 and noted that the current guidelines have incorporated some of the language from the old policy, regarding the curfew and amplification of sound. She explained the guidelines are a tool to use in negotiation with event organizers, and staff recognizes the importance of being sensitive to park neighbors in terms of the impact of events. Ed explained that the Drake Park Policy was used as a model in the development of guidelines for other parks. He noted that Compass Park is classified as a community park; however, it is located in a neighborhood, and that affected staff's decision regarding the number of events that will be allowed there. He also referred to Shevlin Park and explained that has been limited to one event per month due to the nature of the park in consideration of wildlife and the riparian areas. Jan referred to the grievance process and stated that the board has not been designated in that process and that the final decision will rest with the executive director. The board agreed that would be appropriate. Jan then referred to the proposed fees and explained how they were determined based on the Pyramid Pricing Program. She reviewed the fee schedule and what the fees covered. She noted the fees reflect for profit and non-profit use. Bob asked about the basic fee and user fee. He suggested determining a fee that includes both. He also recommended raising the fee charged to for profit organizations. George asked if staff had done some comparisons of fees with other agencies around the state and if so, how did the district compare to those fees. Ed stated that staff had been doing some research in that area and the district's fees were low in comparison. He added that staff would continue to update fees over time.

Chuck Arnold, Executive Director of the Downtown Business Association, addressed the board regarding special events in the parks. He complimented the work the district has done with the association regarding special events and the policies coming forward. He shared concerns regarding Drake Park in consideration of the park's location, historic significance, and

the power of the park in terms of a community gathering place. He stated that over the years there has been too much influence given to what a dozen neighbors created in terms of an agreement created in 1996 without consideration for the evolution of the community. He stated that downtown businesses and property owners appreciate the value of events and how they add to our community. He stated there should be something in the policy that allows some type of feedback or dialogue for the Downtown Business Association and neighbors regarding what type of events are proposed for Drake Park. He cited his previous experience in overseeing events with a park district in southern California, and stated if letting the park rest is one of the most important things from a maintenance standpoint, the impact fee should be higher to accommodate that. He stated protection of the resource should be addressed. He stated that the policies have been informed by the Drake Park Policy and he thinks that should be evaluated with other stakeholders at the table. He stated it might be appropriate define requirements for non-profits in terms of understanding the non-profit designation of organizations and a requirement of documentation of the non-profit status in an effort to eliminate the potential for organizations to take advantage of the non-profit rate. He stated that downtown is a center of the community and a place where we want connections to happen; it is a place that makes our community valuable and Drake Park is a big piece of that. He stated the dialogue has been great and they would like to find a way to be more involved.

Don Horton explained that the original Drake Park Policy was the result of a lawsuit and mandated by the court to the city of Bend and the district. He stated the lawsuit occurred over the events that were taking place in Drake Park. He added that at that time Drake Park was essentially the only place in Bend that hosted special events. He agreed with Chuck that the community has evolved and the district has expanded to provide more options for conducting events. He added it may behoove us in the future to determine how the court mandate could be rescinded.

**Executive Director's Report**  
**Budget Committee Tour**

Don Horton reminded the board of the Budget Committee Tour scheduled for Wednesday, April 22, beginning at 10:00 am at the JSFC Franklin Street parking lot. He noted the budget meetings will occur on May 4 and 6.

**River Guides**

Don Horton shared copies of river guides provided by the Bend Paddle Trail Alliance.

**Cascade East Article**

Don Horton reported that the Colorado Street Dam project is featured in this month's issue of Cascades East. He shared copies of the magazine.

**Sustainability Workshop**

Don Horton noted the district is hosting a sustainability workshop in conjunction with the city of Bend on Friday, May 1 from 8:00 am to 3:45 pm. He shared a flyer regarding the workshop and stated the board is welcome to attend. He stated the featured speaker is John Kitzhaber through video teleconference. Lindsey Lombard asked the board to pre-register if they plan to attend.

As there was no further business, the work session was concluded at 7:35 pm.

Prepared by,

Paula Lowery, Executive Assistant

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Bob Woodward, Chair

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Scott Wallace, Vice-Chair

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Ted Schoenborn

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George Thayer

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Ruth Williamson