

**Bend Metro Park & Recreation District  
Board of Directors  
Work Session, Executive Session & Regular Meeting  
Minutes  
October 5, 2010**

**BOARD PRESENT:** George Thayer, Scott Asla, Ruth Williamson, Ted Schoenborn, and Scott Wallace.

**STAFF PRESENT:** Don Horton, Bruce Ronning, Lindsey Lombard, Wayne Smith, Jan Taylor, Ed Moore, Paul Stell, Matt Mercer and Paula Lowery.

**LEGAL COUNSEL:** Neil Bryant.

**MEDIA:** Scott Hammers, The Bulletin.

**VISITORS:** Mike Lovely and Michael Graham.

**WORK SESSION**

Chair George Thayer convened the work session at 5:35 pm.

**JSFC Update**

Matt Mercer referred to the board agenda communication and reviewed the maintenance and repairs that were accomplished during the annual shutdown of the Juniper Swim & Fitness Center including renovation of the concrete deck surfaces, replacement of the bulkhead and headwall grating and maintenance of the pool tank. He stated that the last issue resulting from the 2006 construction project had been resolved with the repairs to the concrete deck surface cracks. He noted that staff is receiving very positive feedback from facility users with regard to slip resistance of the deck. He added this is a project that protects the slab in the long run. Matt explained the measures taken to inform the public with regard to the pool closures and the challenges of providing services to patrons who use the facility regularly during the annual maintenance period. Ted Schoenborn asked about the repairs to the outdoor activity pool. Matt explained that those repairs will require taking out concrete and some of the pad. He stated that staff will be addressing the project in the future and it is anticipated to be a spring project. Scott Wallace asked if the two week closure is typical for the annual maintenance. Matt explained that the plan is to alternate closing the pools each year in order to continue some pool operations during that time. He announced the pool cover is going up and is expected to be completed by the end of next week. He noted that interior renovation to what was originally a staff locker room will be underway in the spring to add program space, and energy improvements will also be implemented. Matt reported that staff has begun the process of developing an asset management plan, similar to the park service's plan, and it is expected to be completed in preparation for the 2011-12 budget process. He explained the plan will provide a forecasting tool for future needs in terms of major equipment and facility repairs and replacement. Ruth Williamson complimented the staff and condition of the facility. She stated it is first rate and thanked Matt for his efforts.

**System Development Charges (SDC) Fees – Deferral Discussion**

Don Horton explained the board is being asked to discuss its position with regard to deferral of SDC fees. He stated that staff is looking for clear direction from the board before dedicating additional staff time to develop a policy. He explained it will require a considerable amount of staff work and there are significant differences between the city's authority with regard to imposing liens and the district's authority to impose

collection safeguards. Bruce Ronning stated that it needs to be determined if the district wants to implement a fee deferral program in light of the fact the fee is currently collected at 68% of its full value, which is an economic stimulus. Scott Asla stated he wants to understand the risks to the district. Don referred to the question of whether the deferral really stimulates the economy. He referred to the inventory of houses still on the market and asked if the purpose is to try to get more housing starts, how is that helping the economy to add even more houses to the market that need to be sold. He noted that this could be a program that is done for only apartments, or only single family, or for both; it can be designed however the district chooses. Ted Schoenborn stated his concern is if the deferral is implemented, the SDC fee should be imposed at 100%. He stated the reason for the deferral is a way to protect the interests of the construction community. Don stated that he does not know that we fully understand all of the risks and noted that currently if by mistake a fee is not collected at the time of the building permit, we can collect it at the time of occupancy. He noted that with the deferral program there is not another option beyond collecting the payment at the time the occupancy permit is issued, and in terms of an apartment complex there is the risk of loss of a substantial amount in fees. He referred to the district's history of building neighborhood parks through partnerships with developers and explained how the deferral could jeopardize those partnerships. He added that since the implementation of the city's deferral program, a period of two and one half years, one developer has asked the district to allow an SDC fee deferral. Lindsey Lombard noted that in that time period the city has had approximately 40 deferrals. Ted stated he is not comfortable with doing both the reduced SDC fee and deferral. Scott Wallace stated we wouldn't do this to stimulate the economy; it is not having an effect and it won't have an effect if we put it in place. He stated this was more of a gesture or recognition of the hardships that the building community, which makes up a large percentage of our constituents, was going through, and we recognized that front loading a significant fee was an additional burden. He stated that one of the risks we haven't mentioned is the risk of public perception for other things that we try to do in the future. Neil Bryant explained the city's authority to issue building permits, right to lien properties and ability to control the occupancy in terms of collecting SDC fees. He also explained the district's options with a trust deed and title insurance which would result in added costs. Ruth Williamson stated that when there was an abundance of building, a big calling card for our community was our parks and trails and that was what people responded to in making the choice about moving their businesses here or raising their families here. She stated that she believes strongly that it is the parks, trails and accessibility that are carrying us through this difficult economy. She stated that we agreed broadly that there is a cost associated with building parks and trails and the SDCs are a key component in keeping pace with the growth. She said we took some political heat when we took a stance and in response we acknowledged that we are in a recession when we implemented the graduated imposition of the fees over a period of four years and we have stuck to that. She stated she is in favor of continuing that plan, but she is not in favor of adopting a deferral program simply to stay in step with the city as she disagrees with their decision. She stated she thinks we have to stand strong for the district and the product that we deliver with our tax dollars and she would rather see the district spend more time on more forward leaning projects than spending time and money to stay in step with the city only to find ourselves having to reconsider this again in five years. She stated she does not think that is inconsistent with our constituency and the difficult times our builders are going through and we are simply saying that parks and trails contribute significantly to the economic sustainability and future of this region. Ruth stated that every year the costs of building parks increase and every year that we have not imposed the full SDC fee, the gap grows. She stated that she is very concerned about eroding what the district represents by deferring the fee. She stated the economy is not going to come back in our region based on the housing market like it was. She stated that what is going to emerge is a new economy and one of the calling cards is going to be our parks and trails. Ted stated that he is in agreement with Ruth and while he would support a deferral

of the full fee, with the information provided by staff and legal counsel, it appears to be a bigger risk or problem. George Thayer stated that if the board doesn't want to participate in this program, we should at least get information out about as to what we are doing with regard to the reduced SDC fee. Scott Wallace stated that in past discussions no one knew how much this would cost in other incidental costs. He stated we would probably get more negative publicity if we implemented a deferral system with added costs. Scott Asla asked about updating the district's agreement with the city to include more detailed information with regard to the number of housing permits issued. Bruce noted that the intergovernmental agreement needs to be updated to address the fee change along with other administrative changes. Ruth stated that she feels that the district has responded to the impact of the recession on the community in a lot of different ways such as partnering, taking the lead, reaching out to the underserved, but the only way to be an effective player in this town is if we continue to do business efficiently and transparently which is all in place. She stated the deferral does not serve the district as it sets us back, takes up staff time, eats dollars that could be spent on other projects, and it isn't going to stimulate the economy. Scott Wallace stated that he would like to see a white paper from staff that specifies what has been considered and includes associated costs to protect the district if we were to enter into a deferral program. He stated from what he has heard tonight, it appears it would be burdensome to enter into such a program now. Following additional discussion, the board agreed to direct staff to provide a summary of the information concerning potential additional costs and risks of implementing a deferral program for their consideration.

### **Goose Management Plan Update**

Ed Moore provided an update regarding the goose management program. He noted the continued hazing efforts and monitoring efforts of the USDA. Ed explained the hazing efforts would be stepped up during the hunting season to implement the concept that hunting will further reduce the numbers resulting in a more manageable population in the parks. He noted there are over 100 geese that make up a core resident group that are habituated to the district parks. He stated that USDA will continue to inventory geese at the affected parks and assess the management program again in November to determine future steps.

The work session was concluded at 6:48 pm.

### **EXECUTIVE SESSION**

Chair George Thayer convened an executive session pursuant to ORS 192.660(2)(e) for the purpose of discussing real property transactions.

### **REGULAR MEETING**

Chair George Thayer called the regular meeting to order at 7:05 pm.

### **CONSENT AGENDA**

**Minutes – September 7, 2010**

#### **Mirror Pond MOU**

Scott Wallace asked to pull the Mirror Pond MOU from the consent agenda for discussion. He asked for additional information with regard to the project and the components of the MOU. Don Horton identified the MOU partners including the district, city of Bend, PPL, Bill Smith and Bend 2030. He stated the partners will shepherd the project through hiring Michael McLandress as the project manager who will coordinate the meetings with the steering committee and Mirror Pond Advisory Board. He stated that Bend 2030 is acting as the fiscal agent for the project. He stated the district has budgeted \$20,000 for the hiring of the project manager and the city will contribute \$25,000, PPL will contribute \$20,000 and Bill Smith will contribute

\$16,000. He stated a technical advisory committee will be established in the first phase of the project composed of representatives from the regulatory agencies, the district staff and city staff. He stated the committee will evaluate the scope of services prepared by the Upper Deschutes Watershed Council and city of Bend to do the project. He explained the cost estimate to do the study is \$500,000 and we all feel it can be done for less. He stated the project is unusual as it is being handled through committee which is the reason the partners agreed to hire a project manager. Don cited Michael McLandress' qualifications and construction experience with the school district. Scott Wallace clarified that the district has agreed to the seed funding to hire the project manager who will pull together the responsible parties and a technical group to review the work that was commissioned a year ago to determine whether there is merit to develop a refined scope and costs. Don stated that this would be the first phase, followed by a decision by all stakeholders about whether to continue with the project and whether we will continue with a project manager. He stated that if the decision is to continue, Michael will oversee the RFP process to hire a consulting firm that will conduct an alternatives analysis. He noted a substantial amount of money will need to be raised to do alternatives analysis. Don stated he believes everyone on the steering committee is committed to the project and willing to work together to make it happen.

George Thayer referred to the minutes of September 7 and asked for clarification of the total amount of the project cost for Miller's Landing and the amount raised for the project. Don stated the amount raised was an error and the minutes could be corrected to reflect the correct amount raised. Ruth Williamson clarified that to date \$1.2 million in committed funds have been raised along with an additional \$250,000. She stated that there is still a gap of approximately \$250,000 to \$300,000. She stated that TPL as a national organization will consider loaning this project the amount needed to cover the gap in order to close the purchase by the end of the year. She stated that would allow the fundraising to continue into 2011 and the opportunity to pursue other grants.

Scott Wallace moved to approve the consent agenda with the correction to the September 7, 2010, minutes. Ted Schoenborn seconded the motion. Scott Wallace, Ted Schoenborn, Scott Asla Ruth Williamson and Ted Schoenborn all voted aye. Motion passed.

### **EXECUTIVE DIRECTOR'S REPORT**

Don Horton reported there will be a rededication of Pilot Butte State Park on November 2 and asked for board members to represent the district as he would not be available. Scott Asla stated he would attend.

Don Horton reported that Deb Craiger, Senior Center Manager, has retired and Donna Shewey has been hired as her replacement.

Don Horton suggested that the November 2 board meeting be cancelled as staff and two board members will be attending NRPA the week before. He stated it would be difficult to prepare the agenda communications for the meeting. The board agreed to cancel the November 2 meeting.

Bruce Ronning presented information regarding the Oregon Children's Outdoor Bill of Rights Implementation Plan and recommended that the board adopt a resolution in support of the program. The board directed staff to prepare a resolution for their consideration at the October 19 meeting.

### **GOOD OF THE ORDER**

George Thayer congratulated staff for a successful Day of Play event.

Ruth Williamson announced the Trust for Public Lands is hosting a Pumpkin Hunt on October 23, from 10:00 am to 12:00 noon at Miller's Landing.

George Thayer complimented staff for their efforts in working with the city to secure the new sidewalk on Hawthorne Street providing better access to Juniper Swim & Fitness Center.

As there was no further business the meeting was adjourned at 7:38 pm.

Prepared by,

Paula Lowery  
Executive Assistant

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George Thayer, Chair

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Scott Asla, Vice-Chair

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Ted Schoenborn

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Ruth Williamson

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Scott Wallace