

**Bend Metro Park & Recreation District  
Board of Directors  
Work Session, Executive Session & Regular Meeting  
Minutes  
August 5, 2014**

**BOARD PRESENT:** Dan Fishkin, Craig Chenoweth, Ted Schoenborn and Scott Wallace

**STAFF PRESENT:** Don Horton, Michelle Healy, Lindsey Lombard, Theresa Albert, Jan Taylor, Matt Mercer, Pat Erwert and Paula Lowery

**LEGAL COUNSEL:** Neil Bryant.

**CONSULTANTS:** George Dunkel and Jeff Sinclair, Special Districts Association of Oregon.

**MEDIA:** None.

**VISITORS:** Keith Scott, Steve Eichelberger and Jennifer Carson.

**WORK SESSION**

Chair Dan Fishkin convened the work session at 5:33 pm.

**Board Training**

George Dunkel and Jeff Sinclair, Special Districts Association of Oregon (SDAO), conducted a Board training presenting information regarding the District's authority, Board action, member qualifications, ethics, conflict of interest, public meetings, Board meeting organization, Board leadership and vision, mission, values and expectations.

**REGULAR MEETING**

Chair Dan Fishkin called the regular meeting to order at 7:02 pm.

**VISITORS**

Keith Scott addressed the Board regarding the McKay Park grant, small dog off-leash parks and the maintenance of parks.

**CONSENT AGENDA**

**Minutes: July 15, 2014, Work Session & Regular Meeting**

Scott Wallace moved to approve the consent agenda. Craig Chenoweth seconded the motion. Dan Fishkin noted one correction to a motion authorizing the Executive Director to negotiate and execute a contract with JL Ward Company to read: Craig Chenoweth moved to authorize the Executive Director to negotiate and execute a contract with JL Ward Company to acquire 37+/- acres as defined in the Board Agenda Communication for

an amount not to exceed \$98,000.00 per acre plus closing costs and for the Executive Director to assure that the conditions outlined in the Board Agenda Communication are completed with outcomes beneficial to the district. Dan Fishkin recommended that the motion be reworded to state "to the Executive Director's satisfactions the conditions precedent to entering into the contract have actually been met to the Executive Director's satisfaction". Scott Asla seconded the motion. Dan Fishkin, Craig Chenoweth, Ted Schoenborn, Scott Asla and Scott Wallace voted aye. Motion passed. Dan Fishkin moved to authorize the Executive Director to accept easements associated with the purchase of 37+/- acres of land and to assure that those easements are free of claims and receive a "no further action" on an environmental assessment. Craig Chenoweth seconded the motion. Dan Fishkin, Craig Chenoweth, Ted Schoenborn, Scott Asla and Scott Wallace voted aye. Motion passed. Scott Wallace, Craig Chenoweth, Scott Wallace and Dan Fishkin all voted aye to approve the minutes with the noted correction. Motion passed.

## **BUSINESS SESSION**

### **Approve Amendment to Discovery Community Park Developer Agreement**

Lindsey Lombard briefly reviewed previous Board discussion and action related to the Discovery Community Park Purchase and Developer agreements and master plan. She noted the Board's adoption of the Capital Improvement Plan (CIP) in June that included a \$3.3 million project cost estimate for the project. She added the \$1.9 million land purchase contained in the CIP will be paid at the time of closing after the project is complete and accepted by the district. She stated the agreement calls for reimbursement to West Bend Properties of SDC fees within 15 days of closing based on Exhibit H of the approved agreement. She explained that staff is recommending that Exhibit H be rewritten to change the timing of the reimbursement due to the extended length of time to complete the project than originally anticipated. She added the SDC fees were collected in fiscal year 2013-14 with the expectation of reimbursement would occur in July of this year. She stated the amendment would allow for a reimbursement prior to July 1, 2015, in the event the park is completed and accepted earlier in 2015. Don Horton noted the park is costing more than anticipated and West Bend Properties is being asked to carry more of the money forward than they had hoped at the beginning of the project. Dan Fishkin clarified the amount of the reimbursement does not change. Don also stated the reimbursement is based only on the amount of SDC fees collected through last fiscal year. Scott Wallace expressed concern for accepting the park during the winter before the irrigation system is activated and the landscaping is established. Lindsey stated there is a one-year warranty on the park that begins at the time of the district's acceptance of the park. She reported on discussions with the developer regarding the responsibility of the maintenance of the park until it is fully established and it was determined that a memorandum of understanding or an additional amendment to the agreement may be required to specify maintenance requirements and full establishment of the turf and landscaping. Don stated the developer anticipates completion of the irrigation system and installation of the turf this season. Michelle Healy stated that this concern was discussed in depth with West Bend Properties and it is equally important to them and the

district for this park to be successful. Don stated that if we are not comfortable with the plant material the district will not accept the park until we are comfortable with it. Don suggested adding language to the amendment regarding extending the warrantee. Don stated the developer is not being treated any differently than the general contractors the district has worked with and he is not concerned about the quality of the end product. He added that if the park is accepted in January the warrantee covers a full growing season with regard to the irrigation and plant material. Scott Wallace moved to approve the Amendment No. 1 to Discovery Park Development Agreement. Ted Schoenborn seconded the motion. Dan Fishkin, Craig Chenoweth, Ted Schoenborn, and Scott Wallace all voted aye. Motion passed.

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

Don Horton reminded the Board of the second reading of the city's ordinance to change the zoning affecting the Simpson Pavilion would be held on Wednesday night.

Don Horton reviewed the park naming process and noted that formal names should be implemented for the Simpson Pavilion, Riley Ranch and the Senior Center projects. He noted that facilities have not been named by the Park Naming Committee in the past as the committee has addressed the naming of parks only. He asked if the Board wishes to convene the Park Naming Committee. Dan Fishkin stated that with respect to the pavilion consideration and discussion needs to address potential sponsorship naming rights as previously discussed by the Board. He stated he would not like to lose that potential opportunity. Ted Schoenborn asked if there is a particular reason for renaming the Senior Center. Don stated it was a recommendation of the committee to name the facility to be more encompassing of what we are doing at the center. Ted Schoenborn stated it was his recollection that was not necessarily a committee consensus or that the issue had been resolved. Don explained that from a staff standpoint it would attract more people to the activities offered there and it would continue to serve the older population. Craig Chenoweth stated that in terms of the direction that we are going with that facility it would make sense to change the name as it is going to become more than a senior center at some point, and if we are going to be putting those funds into the project, it should be reflective of that. The Board agreed to reconvene the Park Naming Committee.

Don Horton reminded the Board of upcoming conferences and district dedication and special event dates.

As there was no further business the meeting was adjourned at 7:40 pm.

### **EXECUTIVE SESSION**

Chair Dan Fishkin convened an executive session pursuant to ORS 192.660(2)(e) for the purpose of discussing real property transactions and ORS 192.660(2)(i) for the purpose of reviewing and evaluating the job performance of public officers and employees.

The executive session was concluded at 9:30 pm.

Prepared by,

Paula Lowery  
Executive Assistant

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Dan Fishkin, Chair

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Craig Chenoweth, Vice-Chair

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Ted Schoenborn

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Scott Asla

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Scott Wallace