



## **Board of Directors**

June 4, 2019

District Office Building | 799 SW Columbia | Bend, Oregon

### **5:30 p.m. MEETING CONVENED**

#### **BOARD PRESENT**

Brady Fuller, Chair

Ted Schoenborn, Vice Chair

Nathan Hovekamp

Lauren Sprang

Ellen Grover

#### **STAFF PRESENT**

Michelle Healy, Deputy Executive Director

Matt Mercer, Director of Recreation

Lindsey Lombard, Administrative Services Director

Julie Brown, Manager of Communications and Community Relations

Sheila Reed, Executive Assistant

Brian Hudspeth, Development Manager

Jeff Hagler, Park Stewardship Manager

Sarah Bodo, Park Planner

Jason Powell, Construction Supervisor

#### **MEDIA**

Isaac Biehl, The Source

#### **WORK SESSION**

1. Discussion about City of Bend Resolution on Mirror Pond – *Brady Fuller*

Director Fuller opened the floor to visitors that wanted to speak in advance of the Board discussion about Mirror Pond.

#### **VISITORS**

Jerry Freilich: Dr. Freilich said he attended the Mirror Pond listening session. He disagreed with the idea that if the pond is not dredged, that it is doomed. He said the vision document that was created by the District in 2015 gathered all the right data and the report should be adapted to the circumstances of the dam remaining in place. He urged the Board to seek the community preferences today. Dr. Freilich stated that there are questions about the ownership of the land under Mirror Pond, whether the Deschutes River is navigable, whether the dam is in good condition and questioned who would spend millions to fix a dam that is old and obsolete when everyone know fish passage is needed. He encouraged the Board to wait on moving forward with the dredge stating that studies have shown that the pond is in a state of equilibrium and nothing bad will happen by taking some time to revisit the vision study and present citizens with one or more options.

Mike Tripp: Dr. Tripp said the posted draft of the resolution raises multiple concerns. He is concerned that the stated goal of preservation of Mirror Pond seems to be a strategy for dredging. Dr. Tripp mentioned a prior resolution with the City that supports seven goals for Mirror Pond and said this resolution supports dredging, but not the other goals. He pointed out that public sentiment has evolved and members of the public have called for a referendum on public funding. Dr. Tripp raised questions on the future of the dam and the jurisdiction over Mirror Pond. He said the justification for use of public funds for work on private land should meet a high standard for use of public funds and the resolution does not commit to future funding for maintenance of Mirror Pond. He concluded by saying the current draft resolution does not resolve the challenges of maintaining Mirror Pond, but it does open the door for further distrust to the public.

Brett Hodgson: Mr. Hodgson is from ODFW, he said the interest by ODFW in this project is limited in scope, the primary objective is providing for passage and screening for fish in the river. If Pacific Power retains the dam and operates it, screening will be necessary if a fish ladder is provided. Passage would be a good first step and with screening would deliver the best results. He said the department would like to commend the District and the City for looking forward and seeing an opportunity here to provide passage and address a key environmental issue while looking at some of the other complex issues.

Director Hovekamp asked Mr. Hodgson to characterize the importance of fish passage at this particular dam.

Mr. Hodgson explained that there have been other manmade areas in the river that have added fish passage to sites above and below the Newport dam which is key piece as the site in the middle of other dams. He said that there have been other manmade areas that have added fish passage. In partnerships, \$1.8 million has been spent at the North Canal Dam which provided passage for fish for a half mile up the river until they hit the next dam at Mirror Pond. He continued to say that it is known that fish are trying to move in the river because of the tagging and monitoring that is being done.

Director Hovekamp asked about the order of magnitude of a project that would ensure fish passage across this dam in relation to the fish passage provided at the Pelton Round Butte Dam.

Mr. Hodgson responded that there are a lot of moving parts and stated that the Round Butte project had a lot more complexities than this project. PG&E and Warm Springs Tribe spent \$150 million on that structure. More recently and on scale is the \$10.8 million spent on the Opal Springs Dam on the Crooked River. Design will matter and could be significantly less than these two projects.

Director Hovekamp continued with questions about the relicensing of dam under federal guidelines.

Mr. Hodgson said in the absence of a FERC license, Pacific Power is not required to offer fish passage, unless a 30 percent modification is made to the dam; then fish passage would be required. Up to this point, Pacific Power has done considerable incremental work over time, and has not reached the 30 percent threshold. Safety issues with the dam could result in a 30 percent modification.

**Mark Davis:** Retired from USACE where he worked as a dredge control officer. Mr. Davis said in 2016 Pacific Power expressed a commitment to the Newport dam project for the long term. He expressed his concern for an investment of public funds for a promise that the dam will stay intact; stating that this is risky. He quoted from the District study in 2014 the recommendation for the timber crib portion of the dam to be repaired or replaced; PacifiCorp has not made the necessary improvements and has only patched the leaks. With further failures of the dam, it may be necessary for additional analysis of the stability as determined by the state engineer in the 2014 inspection. Mr. Davis also noted that new state laws will go in to affect that gives the state engineer increased authority to require repairs on unsafe dams. He closed by saying the dam will be re-evaluated this summer.

**Craig Lacy:** Mr. Lacey said fish passage is a critical issue to this process. He remarked that 3,000 wild trout are killed each year by the turbines at the dam. He said that fish passage was required in prior years and fish passage was built, but it fell in disrepair and has not been corrected because it is expensive. The dam has had some short term repairs done to it because further repair is expensive. Mr. Lacey expressed his doubts that PacifiCorp is committed to the dam for the long term and that they are making decisions about the dam based on the least cost to them. He expressed further concern that a lot of money would be spent on the dredge and then the dam would be removed and the dredge that PacifiCorp should pay for would be at taxpayers' expense. Mr. Lacey said that the Board should require PacifiCorp to fix the dam and re-install the fish passage before spending public funds.

**Paul MacClanahan:** Mr. MacClanahan commended the Board on working collaboratively with the City to come up with this resolution. Mr. Callahan has worked with Mirror Pond Solutions to get the permits for the silt removal part of the vision. He encouraged the Board to remain committed to this process and entire vision and urged the Board to expedite the process for the discussion of fish passage. Mr. MacClanahan said there is a funding gap if this vision becomes broader with a fish passage project. The City is showing commitment with 50 percent of the funding. MPS has gone to great lengths to raise the money and will continue to do so for the dredge and overall vision. He encouraged the Board to act more strategically or incrementally adding that permits have been obtained and 50 percent of the funding. He said that the Board does not have to do all seven pieces of the resolution and can do it incrementally. Finally, he said Mirror Pond Solutions is committed to the process and encouraged the Board to keep the momentum going.

**Michael Ogle:** Mr. Ogle said this is a very expensive proposal and many questions have been asked through the process. He commended the park district for their stewardship to the river, because of the stewardship two critical species are living along the river: the spotted frog and the western pond turtle. He said dredging the habitat would show bad faith in stewardship. Mr. Ogle shared photos of the spotted frog and western pond turtle that he has taken on the river.

**Todd Taylor:** Mr. Taylor is part of Mirror Pond Solutions. He said this discussion been going on over the last 10 years, he has been a part of it for the last 6 years and has attended over 50 meetings and 25 have been public and to say that this hasn't been a public process on Mirror Pond is erroneous. He said he would like to address the storm water issue; numerous tests have been done through the permit process and the outfalls were all checked. Mirror Pond Solutions has been concerned about all the material being dumped in the pond and believe that it doesn't provide for the health and wellness for any of the habitat, and for that reason they were excited to see the City step up with the

funding. Mr. Taylor said that he is very supportive of the fish passage and would stand behind any direction that comes out of that discussion. He encouraged the group that is supportive of fish passage to take the lead and go out and get the funding as Mirror Pond Solutions did for the dredge. He continued to say that it is not for us to decide what Pacific Power is going to do, they have been included in all the meetings every step of the way and they indicate that they are committed to keeping the dam. Mr. Taylor expressed his understanding that the dam is inspected annually. He closed by saying that he is looking forward to working with the City and District to work through the resolutions to get the project up and running.

Next, Director Fuller reviewed the resolution with the Board. The Board discussed that the resolution is primarily focused on the goal of the dredge and does not directly address the other goals that were called out in the prior resolution. It was pointed out that the District is addressing some of the other goals independently already and this resolution is an opportunity to move forward with the goals in pieces.

Director Hovekamp noted a couple of typos and requested that the language that is used to refer to Mirror Pond be changed to say it is an aesthetic and recreational amenity, objecting to calling it an icon. Other Board members expressed that the pond is many things to many people and did not object to the language in the document that describes it in several ways including iconic.

Director Fuller continued through the review of the resolution and asked the Board for comments.

Director Hovekamp reiterated that for this document he thinks that there should be a consistent descriptor for Mirror Pond. He expressed his concern about speaking about the goals that the Board is moving forward on without mentioning the goals that are not being addressed at this time. He also quoted from the Mirror Pond vision document that the future of the dam was a key consideration at the time and was stated to be near the end of life with Pacific Power saying that they no longer wanted to put money into the dam. Director Hovekamp noted that this resolution may be “cherry picking” information to get to this outcome. The Board responded that these goals all refer back to the ad hoc committee in 2015 after Pacific Power decided to keep the dam and their desire to focus on the pieces of the vision that can be controlled, recognizing that the future of the dam is not in the Board’s control. Once again, the Board expressed support for calling the pond an icon and stated that this resolution is another opportunity to work with the City leading to the building of an IGA.

In further discussion, the Board talked about whether the release of funds for the dredge would take away any leverage for the opportunity for fish passage. The majority of the Board did not see that this would be an issue, showing confidence that the District and City Council would continue to direct staff on the subject. The Board recognized that the District may need to take the lead on the topic of fish passage. The Board discussed the accuracy of the estimated cost of the dredge, there were some concerns voiced about the cost, but most felt that the concerns should not prevent the Board from moving forward.

Ms. Healy said section three of the draft resolution ties the IGA approval to the release of funds and part of the IGA approval is that the MOU is successful. The MOU addresses the fish passage study, but does not require it to be completed to move forward. The Board decided that there were enough assurances in the document that ensure discussions of fish passage. Ultimately, the discussion ended

with the Board overall agreeing that the fish passage is its own project and in general the Board agreed to move forward with the direction of this resolution.

Director Fuller closed the discussion by saying that the typos and phraseology will be considered. An acknowledgement could be added about pushing a portion of the project forward, but still committed to the whole vision. He said this resolution will be looked at by the City tomorrow evening and a final version will be brought back to the Board in two weeks. Director Fuller said he would like to get through this process with this Board.

Director Hovekamp added that he would like to respond to some of the comments tonight. He said that he disagrees that as a Board they have no say about privately held property. He said that they have a lot of say about public funds and public amenities; there is a lot of public process and discretion.

## 2. Draft Strategic Plan – *Quinn Keever, Michelle Healy, Jamie Sabbach*

Ms. Keever introduced Jamie Sabbach, the consultant for the Strategic Plan from 110 %. Ms. Sabbach said that she would be giving a high level overview of the process to create the Strategic Plan. She briefly reviewed her extensive background of working with park and recreation districts. Ms. Sabbach complimented staff for being an agency with very high standards that was able to complete this process in a timely manner, and remarked that this is difficult for many agencies.

Ms. Sabbach reviewed the elements of the plan found in the Board packet. She explained that the key issues resulted from all the feedback that was gathered from various meetings with staff and the Board. She reviewed the three pillars of the plan:

- Employees and Workplace Culture
- Community Relationships
- Operations and Management Practices

Ms. Sabbach said the pillars translate to 11 desired outcomes and stated that the performance measures will be defined from the outcomes. The District will establish baselines and then use the baseline to measure from, and said implementation and execution are critical to the plan along with the ability to measure growth. The plan identifies specific strategies to reach the desired outcomes. Ms. Sabbach touched on the overview of the action plan and explained that the Board will be updated at the conclusion of each year.

The Board requested a modification to the action plan that would include a little more detail about the measurements used. Written comments were provided to address some questions from the Board about the plan. Director Fuller asked the Board to submit any further comments in the next two days for staff to consider and respond to if necessary.

**6:50 p.m. BREAK/TRANSITION**

**7:00 p.m. BUSINESS SESSION**

## **VISITORS**

**Allegra Briggs:** Ms. Briggs said that a river is not just a stream of water it is also a river of sediment and it is natural for sediment to flow down rivers. She explained that as the sediment flows down the river to Mirror Pond, it slows because it is a reservoir and then the sediment drops out. She went on to say that she doesn't think the Board understands how temporary of a fix dredging is for the pond. The last time there was a dredge in 1984, three years later the Bend Bulletin ran an article that spoke of the low flow of the river and the sediment and printed that it would need to be dredged again. Ms. Briggs said that this is a waste of tax payer's money. She encouraged the Board to look further for a more permanent solution. She said there should be sediment management project designed before the dredge; otherwise it is a waste of money and time.

**Barb Campbell, City Councilor:** Ms. Campbell said she is thrilled to hear that the Board might be considered turning Mirror Pond into a recreational facility. She said that now there is no swimming allowed in Mirror Pond and people who recreate on the river get out at Mirror Pond. She went on to say that it is a picture postcard background, it's a backdrop for prom kids and that's what we are getting for \$6 million right now. There is a document going around that is the history of Mirror Pond that tries to capture the process that the District and the City have been going through. She pointed out that in this document it is says over and over again "divided community" commenting that half love the pond and half want fish passage. She also called to attention a meeting at City hall; she named several people in attendance. Mirror Pond Solutions, a private entity, was there and only wanted to talk about their project. She said they didn't care about the divided community or a fish passage. She commented that Mirror Pond Solutions has their own money so they don't have to care, and stated elected officials do need to care. Ms. Campbell said she is determined to care about this.

**David Paulson:** Mr. Paulson said he emailed all the directors prior to the meeting. He asked that this decision be delayed until new board comes on, he said he feels that this project is dying. Mr. Paulson said the city councilors have failed at obtaining all the money for this and now they are putting this on parks and recreation. He stated the City will write their checks and walk away leaving the District with the responsibility and all future liabilities. Mr. Paulson commented that the new directors should be involved in this decision and this decision shouldn't be made by two people that want to get this locked down before they leave. He reviewed the points from the last resolution and indicated that most points are not included in this new draft of a resolution.

**Craig Lacey:** Mr. Lacey asked to make a few more remarks. He said he would like to comment on Councilor Campbell's comments. He thinks that a lot more than 50 percent of the community is in favor of fish passage. He participated in the visioning process and the community was divided, but the preferred alternative vision was favored by 74 percent of the people. This vision ended when PacifiCorp decided to keep the dam in place. He stated that since then there has been no public discussion about what to do next, just a series of meetings on how to fund the dredge and no study has been done to see how fast the sediment would fill in. He concluded by saying that all options have not been fully considered and the public has not been allowed to weigh in.

## **CONSENT AGENDA**

1. Meeting Minutes – 05/21/2019

***Director Hovekamp made a motion to approve the consent agenda. Director Sprang seconded. The motion passed unanimously, 5-0.***

## **BUSINESS SESSION**

### **1. Shevlin Park ADA Improvements Project Construction Contract Award – Jason Powell**

Mr. Powell reviewed the Shevlin Park ADA project details, project funding from SDCs and explained the matching grants through a local government grant from Oregon State Parks. He said Deschutes Construction was low bidder for the job and the staff recommendation.

***Director Grover made a motion to authorize the Executive Director to execute a construction contract to Deschutes Construction Corporation for the construction of the Shevlin Park ADA Improvements Project, in the amount of \$226,088, and to approve an additional 10% contingency of \$22,608, for a total construction budget not to exceed \$248,696. Director Sprang seconded. The motion passed unanimously, 5-0.***

### **2. Second Reading and Adoption of SDC Ordinance No. 12 – Sarah Bodo**

Ms. Bodo reviewed the timeline of Ordinance No. 12 and asked the Board to conduct the second reading of the ordinance and consider adoption. The Board asked for clarification on tiered SDCs that are not in the ordinance. Ms. Bodo explained that the tiers for single family and multifamily are included in the methodology. It is in the methodology so that the ordinance does not have to be changed when the tiers are implemented at a later date.

Director Fuller asked for a motion to conduct a second reading of Ordinance No. 12 – System Development Charges by title only.

***Director Grover made a motion to conduct the second reading of Ordinance No. 12 – System Development Charges by title only. Director Schoenborn seconded. The motion passed unanimously, 5-0.***

***Director Schoenborn made a motion to adopt Ordinance No. 12 – System Development Charges, replacing Ordinance No. 8 and Ordinance No. 10. Director Grover seconded. The motion passed unanimously, 5-0.***

### **3. Adopt Resolutions in support of Ordinance No. 12 – Sarah Bodo**

**4a. Adopt Resolution No. 421 – Adopting a Methodology for Calculating Park System Development Charges**

**4b. Adopt Resolution No. 422 – Adopting an SDC Capital Projects List:**

**4c. Adopt Resolution No. 423 – Adopting an SDC Waiver for Affordable Housing**

**4d. Adopt Resolution No. 424 – Adopting Procedures for Entering into Developer Recovery Agreements**

**4e. Adopt Resolution No. 425 – Adopting a Fee Schedule for System Development Charges**

Ms. Bodo reviewed the resolutions that support Ordinance No. 12. She explained that they are separate from each other in order to make changes as needed to the resolutions without a change to the ordinance itself. She asked the Board to adopt the resolutions individually.

Director Hovekamp excused himself from the meeting.

***Director Schoenborn made a motion to adopt Resolution No. 421, Adopting a Methodology for Calculating System Development Charges effective July 1, 2019. Director Grover seconded. The motion passed unanimously, 4-0.***

***Director Grover made a motion to adopt Resolution No. 422, Adopting an SDC Capital Projects List effective July 1, 2019. Director Sprang seconded. The motion passed unanimously, 4-0.***

***Director Sprang made a motion to adopt Resolution No. 423, Adopting an SDC Waiver for Affordable Housing effective July 1, 2019. Director Schoenborn seconded. The motion passed unanimously, 4-0.***

***Director Schoenborn made a motion to adopt Resolution No. 424, Adopting Procedures for Entering into Developer Recovery Agreements effective July 1, 2019. Director Grover seconded. The motion passed unanimously, 4-0.***

***Director Grover made a motion to adopt Resolution No. 425, Adopting a Fee Schedule for System Development Charges effective July 1, 2019. Director Sprang seconded. The motion passed unanimously, 4-0.***

4. Hold Public Hearing and Adopt Resolutions pertaining to FY 2019-20 Budget – *Lindsey Lombard*

5a. Adopt Resolution No. 426 – Adopting the Budget and Making Appropriations for Fiscal Year 2019-20

5b. Adopt Resolution No. 427 - Imposing and Categorizing Taxes for Fiscal Year 2019-20

Ms. Lombard said she is bringing the budget to the Board this evening as it was approved by the budget committee with no changes from staff. She asked the Board to adopt the two resolutions separately for adopting the 2019-20 budget and imposing taxes for 2019-20.

***Director Sprang made a motion to adopt Resolution No. 426, Adopting the Budget and Making Appropriations for Fiscal Year 2019-20. Director Grover seconded. The motion passed unanimously, 4-0.***

***Director Schoenborn made a motion to adopt Resolution No. 427, Imposing and Categorizing Taxes for Fiscal Year 2019-20. Director Grover seconded. The motion passed unanimously, 4-0.***



5. Adopt Resolution No. 428 – Adopting the Capital Improvement Plan Summary for Fiscal Years Ending 2020 - 2024 – Michelle Healy

Ms. Healy presented the Capital Improvement Plan summary and remarked that no changes have been made to it since it was last presented.

**Director Grover made a motion to adopt Resolution No. 428, Adopting the Five-Year Capital Improvement Plan Summary for fiscal years ending 2020 - 2024. Director Schoenborn seconded. The motion passed unanimously, 4-0.**

**EXECUTIVE DIRECTOR’S REPORT**

Ms. Healy informed the Board that the City of Bend held a public meeting tonight about the 4 hour parking restrictions near McKay Park. She said that there will be an amendment to the Drake Park parking agreement to add parking restrictions to McKay Park in order to help support the costs of this change.

She also mentioned that the District is sponsoring Free Kid Wednesday at the Bend Elks. She encouraged the Board to attend June 5 and 26.

**PROJECT REPORT**– Attachment in Board Report

**BOARD MEETINGS CALENDAR REVIEW**

**GOOD OF THE ORDER**

The Board expressed their appreciation to Director Grover and Director Fuller for their service to the District and Board of Directors.

Director Fuller said he shared with BLS school board information about Kids, Inc. and updated them on the fields going in at Pacific Crest Middle School.

**ADJOURN 8:43pm**



Prepared by,  
Sheila Reed

Executive Assistant

\_\_\_\_\_  
Brady Fuller, Chair

  
\_\_\_\_\_  
Ellen Grover

  
\_\_\_\_\_  
Lauren Sprang

  
\_\_\_\_\_  
Ted Schoenborn, Vice-Chair

  
\_\_\_\_\_  
Nathan Hovekamp

