



PARKS AND RECREATION ADVISORY COMMITTEE

Community Center- 415 S. HWY 395

Where Life is Sweet

February 08, 2024 at 5:30 PM

AGENDA

1. CALL TO ORDER
2. MINUTES
 - A. November 2023 Minutes - Parks & Rec Advisory Committee
3. REPORTS AND BUSINESS
 - A. Resolution 2311 - Immunity from Liability for use of Trails
 - B. Director's Report
 - C. Cimmaron Recreation Area
4. PROGRAM HIGHLIGHTS AND ANNOUNCEMENTS
 - A. Upcoming Events and Programs
5. OTHER
6. PUBLIC COMMENT
7. COMMITTEE OPEN DISCUSSION
8. NEXT MEETING
9. ADJOURN

**** AMERICANS WITH DISABILITIES ACT NOTICE****

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November 9, 2023



City of Hermiston Parks and Recreation Committee Meeting

Parks & Recreation

Committee Members present:

Carlisle Harrison
Jeff Kelso
Angel Aguilar

Ericka Juarez
Nicole Westing
Lydia Raath

Also present:

Jackie Myers, City Councilor
David McCarthy, City Councilor
Brandon Artz, Parks & Recreation Director
Kasia Robbins, Parks & Recreation/Family Aquatic Center
Kelly Schwirse, Parks & Recreation
Julissa Gonzalez Mendoza, Youth Advisor
Rebecca Godoy, Youth Advisor
Jeanine Heredia, Youth Advisor
Leslie Mendoza Romero, Youth Advisor

Members not in attendance: Trista Hindman

CALL TO ORDER

Meeting called to order at 5:32 by Jeff Kelso

MINUTES

Motion to approve minutes from October 12, 2023 Parks & Recreation Committee meeting made by Carlisle Harrison, seconded by Erica Juarez. Motion carried unanimously.

REPORTS & BUSINESS

DIRECTOR'S REPORT *presented by Brandon Artz*

HARKENRIDER SENIOR ACTIVITY CENTER

- Rendering of basement concept design and floor plans.
 - o Features: AV presentation wall equipped with built in all standard audio/visual hookups; kitchen with island, ample cupboard and drawer storage, two refrigerators and sink; decorative wall; two restrooms; storage area to house tables, chairs etc.; AV equipment room.
- Architecture and construction estimates have come in over budget. Extra features that would enhance the overall aesthetics and functionality of basement space may have to be omitted from the plans at this time to remain within the budget. Possibility of adding features at a later date if additional funding is available.

November 9, 2023



City of Hermiston Parks and Recreation Committee Meeting

Parks & Recreation

BELT GREENWAY TRAIL

- Former Parks Director, Larry Fetter, applied for and was awarded a \$250,000 grant for the development of the Belt Greenway Trail. A multi-modal trail, approximately 2,822lf starting at Belt Park thru Sunshine Court Recreation Easement, Avamere Recreation Easement and ending at Buttercreek Apartments. Project also to include the addition of ADA sidewalk ramps and crosswalks.
- Selection committee is currently evaluating RFP through ODOT. Final selection to be made next week.
 - o Cost of this project is expected to exceed the total grant amount and ODOT is working with Parks & Rec to develop an updated comprehensive cost analysis to be able to apply for additional grand funding for this project.

BARK PARK SHELTER

- Shelter is fully complete. Marlette partnered with us on this project, providing volunteers and donation of materials.
- Concrete pad extended into main entry area with the addition of grass saver mesh to help keep the grass from being torn up around that immediate area.
- Dog water fountain will be installed in the spring of 2024.
- Future installation of solar lighting at the shelter.

CIMMARON PARK & TRAIL

- Installation of a paved parking lot and an approximately half mile gravel walking trail around the wetlands is finished and open for use.
- Within the year, the development company will transfer the park to the City of Hermiston at which time the park naming process will commence. Time frame for completion of the park with irrigation, grass, play structures, interpretive signs and natural scape is within 4 years.

TEEN ADVENTURE SKATE PARK

- Completion of skate park on track for mid-December, subject to change
 - o Plumbing and electrical work is underway in preparation for relocating the restroom facilities.
 - o Contractors are in the process of finishing sidewalks, curbs and gutters along first street.
- Limited-edition Halloween Skate Decks have arrived. Due to popularity and selling out, additional are on order.

HORIZON PARK PLAYGROUND

- Budget for playground structures is \$70,000. Three bids were received for this project.
 - o **Option #1:** Playcraft \$67,632 *Shipping not included \$1,500*
 - o **Option #2:** MRC \$70,036 *Shipping not included \$8,000-\$10,000*
 - o **Option #3:** NW Playgrounds \$56,369 *Shipping not included. \$2,500-\$3,000*
- Called for a vote on one of the three options presented. Option #1/Playcraft received a unanimous vote.
 - o Playcraft included a significant a discount and free "Thunderdome" sphere structure with use of points from previous purchases for Riverfront Park and Funland Playground.



City of Hermiston Parks and Recreation Committee Meeting

Parks & Recreation

KIDS IN PARKS – TRACK TRAILS

- Memorandum of Understanding (MOU) with Kids in Parks – Track Trails at Riverfront Park / Oxbow Trail
- Project funded by: Oregon Parks Forever. Funding programs and projects that enhance the experience of using Oregon Parks & Forests. Currently funding 50 Track Trails in Oregon w
 - o Kids in Parks is a network of family-friendly outdoor adventures called Track Trails. Fun self-guided activity brochures and signs turn a visit into an incredible outdoors experience. Kids can track their adventures and earn prizes online.
- What is provided by Oregon Parks Forever: Custom Eastern Oregon full size Kiosk with three brochure boxes at Riverfront Park near the playground, smaller post at Oxbow trail head with one brochure box and three brochures of our choosing. (Total Value \$6,000)
- Parks & Recreation will install the signs and be responsible for brochure printing and replenishment.

COMMITTEE VACANCY

- Committee member, Trista Hindman, and her family are moving to southern Illinois in mid-December

UPCOMING EVENTS & PROGRAMS

- **Rec it Arena, EOTEC, November 17-19**
- **Christmas Bazaar** at three locations, November 25 9am-4pm
 - Hermiston Community Center SOLD OUT
 - Harkenrider Senior Activity Center SOLD OUT
 - Maxwell Pavilion SOLD OUT
- **Hermiston Tree Lighting Celebration, Festival Street, 4:30pm**
- **Lighted Holiday Parade, Main Street, November 30 5:45pm**
- **Pancakes with Santa, Community Center, December 9th 9:00am**
- **Rec It Arena, EOTEC, Dec. 15-17**
- **Volunteer Recognition Dinner, Community Center, January 20**
 - Initial planning stages of a Volunteer Recognition Dinner to celebrate all our volunteers and recognize them for the work they put in. Daycare to be provided at EOTEC. We will also be awarding a volunteer of the year that will also be honored with being the grand marshal of the 2024 Lighted Holiday Parade.

PUBLIC COMMENT

No public comment

ADJOURNED

- Meeting adjourned at 6:46pm
- Next meeting, January 11, 2024 5:30pm



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of February 12, 2024

Title/Subject

Resolution No. 2311 - Adopting the Immunity from Liability for use of Trails or Structures in Public Easement or Unimproved Right of Way Provided in ORS 105.668

Summary and Background

On July 6, 2023, the Oregon Court of Appeals issued an opinion effectively ending recreational immunity for improved trails. Public and private landowners of improved trails are no longer protected from lawsuits. (*Fields v. City of Newport*). In *Fields v. Newport* a woman was walking with her friend and their dogs on the beach. She walked away from the beach on an improved trail which was owned and maintained by the city of Newport. The woman came to a wooden footbridge that was wet. She slipped and fell, then filed a lawsuit against the City. Ms. Fields' suit alleged the City was negligent in maintaining the bridge and not putting up warning signs. Newport responded that it was immune from suit because Fields was using the Ocean to Bay Trail for a recreational purpose, walking with a friend and their dogs while they talked and socialized.

The trial court agreed with the City, ruling that recreational immunity protects landowners from a lawsuit when they open their property to the public for recreational purposes without a fee. Because of recreational immunity the trial court granted summary judgment, which ended the case early in favor of Newport. The trial court determined "there are no genuine issues of material fact in dispute" and that under state law, the plaintiff was "using the trail for recreational purposes" by "walking her dog on a trail to the beach with a friend," and thus the City was entitled to recreational immunity from any liability.

Plaintiff Fields appealed the trial court's ruling, arguing that the trial court could not conclude that her "principal purpose" (as required under state law) in walking on the trail was recreational as long as she claimed that the subjective intent in her mind was something else.

The Oregon Court of Appeals decided that there is a factual dispute between Plaintiff Fields and the City as to whether her use of the trail was recreational, or whether her primary purpose was instead for "accessing the beach." In other words, the Court of Appeals held that the trial court needed to hold a jury trial to determine whether the plaintiff's principal purpose on the trail was accessing the beach, or to recreate while using the trail with a friend and their dogs while they "socialized." Either way, recreational immunity no longer stops a case at the beginning (an "immunity" from suit), because any plaintiff can claim their "principal purpose" was not to recreate.

This particular case is not the first one that has reduced the scope of recreational immunity. Once again, the League of Oregon Cities and the Association of Oregon Counties are bringing a bill to the Legislature in 2024 to restore recreational immunity. Along with that effort, City/County Insurance (CCI) is recommending to their members that they adopt the provisions of ORS 105.668 and improve signage along our trails to reduce exposure and improve the defense of claims.

With those recommendations, CCI also offered \$5,000 grants to help their members accomplish these goals. We received one of these grants and are working to implement the new signage as well as bringing the resolution for adoption.

Tie-In to Council Goals

N/A

Fiscal Information

Maintenance of signs in the future.

Alternatives and Recommendation

Alternatives

1. Adopt Resolution No. 2311 without modification.
2. Adopt Resolution No. 2311 with specific modifications.
3. Direct staff to make major changes to Resolution No. 2311 and bring back at a later date.

Recommended Action/Motion

Adopt Resolution No. 2311 without modification.

Submitted By: Byron D. Smith

RESOLUTION NO. 2311

A RESOLUTION ADOPTING THE IMMUNITY FROM LIABILITY FOR USE OF TRAILS OR STRUCTURES IN PUBLIC EASEMENT OR UNIMPROVED RIGHT OF WAY PROVIDED IN ORS 105.668

WHEREAS, ORS 105.668(2) provides to cities with a population of 500,000 or more immunity from liability for injury or property damage against cities including their officers, employees, or agents, adjacent property owners, and certain nonprofit groups and their volunteers that arise from the use of trails or structures located on public easements or unimproved right of way; and

WHEREAS, ORS 105.668(3) authorizes cities with populations of less than 500,000 to opt into the immunities provided in ORS 105.668(2) by adoption of an ordinance or resolution; and

WHEREAS, the City desires to opt into the immunities provided by ORS 105.668 to further the public interest by protecting and supporting efforts and activities of the City.

NOW, THEREFORE, THE CITY OF HERMISTON RESOLVES AS FOLLOWS:

1. The Hermiston City Council hereby opts into the immunity from liability for injury or property damage arising from the use of trails or structures in public easement or unimproved right of way provided by ORS 105.668.
2. That this resolution is effective immediately upon its passage.

PASSED by the Common Council this 12th day of February 2024.

SIGNED by the Mayor this 12th day of February 2024.

Dr. David Drotzmann, MAYOR

ATTEST:

Lilly Alarcon-Strong, CMC, CITY RECORDER