



Mirror Pond Sedimentation and Enhancement Project, Phase 1A
Bend, Oregon

Management Board Meeting

MB Meeting: 03

Meeting Date: 10.03.11 @3:30-5:00 PM

Bend Parks and Recreation Admin Conference Room

MEETING MINUTES

Attendees

- David Rosell
- Chuck Arnold
- Mel Oberst
- Ryan Houston
- Tom Greene
- Mike Olin
- Don Horton
- Bill Smith
- Angela Jacobson
- Leslie Olson
- Reagan Desmond
- Steve Johnson
- Tod Heisler
- Gina Dahl
- Michael McLandress

Welcome and Introductions

A. Update Since Last Management Board Meeting on 3-29

- Reviewed and refined the scope of services and budget for the Alternatives Analysis (Phase 1B), using the “Moving Forward on Mirror Pond: Evaluating Alternatives and Engaging the Community” document
- Engaged the Delegation with a Joint letter from the Steering Committee on behalf of the City of Bend
- Steering Committee meetings- currently being held every month to assist in guiding the process, including the evaluation of proposals received

B. Progress Report

April

- Engaged the Army Corp of Engineers on the WRDA (Water Resources Development Act)
 - Basically gets the project in line for the appropriation of possible earmarks or funds
- Completed the RFP for sub-consultant for Alternatives Analysis (Phase 1B)

May

- Advertised the RFP for a consultant
- Developed Evaluation Committee for input and/or participation in the proposal evaluation process for the RFP
 - Committee consists of Steve Johnson, COID; Ryan Houston, UDWC; Mel Oberst, City of Bend; Karen Swirsky, DLCD; Steve Jorgenson, BP&R; Matt Shinderman, Bend 2030; also with input from Don Horton, Bill Smith and Angela Jacobson
- Met locally with the Bureau of Reclamation to in and attempt to bring them to the table as a stakeholder and ask them to be part of the process
 - The Bureau advised they cannot get involved until they have been authorized by a federal authority (which falls back on the Joint letter sent earlier in the year)

June

- Senator Merkley toured Mirror Pond
 - Approximately twelve people (including City of Bend mayor Jeff Eager, City Councilor Jodie Barram; City Manager Eric King; Susanna Julber, Sen. Merkley’s Central Oregon Representative; Don Horton, Ryan Houston, Bill Smith, Patrick Griffiths, City of Bend Water Resources Manager; and Tod Heisler, E.D. for Deschutes River Conservancy) presented the issues to Senator Merkley regarding Mirror Pond and how up- stream management of Wickiup creates an over-abundance of sediment in Mirror Pond
- Received two qualified proposals for the RFP (June 22nd)
 - **Cascade Environmental Group** (Portland), under the guide of John Runyan with Steven Ames (Bend) as their public outreach person

- **McMillen-Wallace** (Portland), under the guide of Scott Wallace with JLA (public involvement firm, Portland)

July

- Held a funding meeting to discuss the “what-if’s”
 - Discussed short-term and long-term funding options
 - Discussed the possibility of creating a special district
 - Don advised that if a special district is created, discussions for this need to happen now in order to potentially get it on the ballot, potentially for next May
 - Michael advised that JLA would be good at getting the work done needed to get it on the May ballot (community outreach, etc...), but if they are involved public funding cannot be used to pay for them to do it
 - Use the Bend 2030 to get volunteers together to determine potential numbers needed
 - Mel advised a timeline is needed to determine how to get it on the ballot
 - Nancy Blankenship with County can provide timelines

- River property ownership research done by Bill Smith
 - When the Bend Company platted the land around the river, they did not plat the river itself
 - North of the dam was not platted, and was still owned by the McKay company
 - In 1935, Clyde McKay lost everything and conveyed everything left that he owned (which was only miscellaneous pieces of land scattered across the area) to Deschutes County Title
 - In 1971, Deschutes County Title quick-claimed everything to Gordon and Della McKay, who then at that time owned the bottom of the river
 - It is unclear how much is owned by the McKays, but PP&L owns a portion near the dam and Parks District owns a portion
 - Nothing is owned by the City or the State
 - In 1990 Gordon died and presumably left everything to Della
 - Della formed a trust and conveyed a portion of the river ownership to the trust, but not the entire ownership (unclear why she did not convey the entire ownership)
 - The portion that was not conveyed could still be owned by Gordon’s estate, or by Della, Bill is not sure but is still researching this
 - Deeds at the title company shows Bruce McKay as a trustee
 - Bill spoke with Bruce, who said he would not hold up anything regarding the project
 - They were concerned about never being contacted when the river was dredged before
 - As part of Bill’s discussion with Bruce, once the decision is made on what to do with Mirror Pond, someone will need to sign a hold harmless agreement
 - In addition, Bruce would agree to give it up but wants some kind of value for it such as a tax deduction

- There is an issue with some of the lots along the river, where it appears that the lot lines fall out into the river
 - May need to discuss any issues that come up with the owners of those lots
- From a legal standpoint, all ownership parties need to be involved and okay with the process
- The ownership research led to questions regarding the water quality itself
 - Discussions regarding heavy metals in the silt and what the DEQ would require test-wise
 - Ryan advised that City does have some data at the water treatment lab – Mel will check into this
 - The City should already have what the EPA and DEQ certified labs would require

September through present

- Researching and developing funding and fundraising plan for Alternative Analysis (Phase 1B)
- Continue determining viable funding sources, both near and long term (pending, in-progress)
- Evaluation of proposals

C. Proposal Evaluation Process

- July 26th- independently scored parts A and B (A-Price Proposal, B-Technical Proposal)
- Basically a “tie” in scoring – two very strong technical proposals
 - McMillen-Wallace: Phase 1 - \$236,625; phase 2 - \$251,249; total \$487,874 (JLA- a very successful Public Involvement firm is on the MW team providing public outreach, and comes with a strong set of ‘tools’ and experience in large public-interest projects of this nature)
 - Cascade Env. Group: Phase 1 - \$169,947; phase 2 - \$220,876; total \$390,823 (with Steven Ames providing public outreach tasks)
- Both were under the goal of \$500,000
- Because there was basically a “tie”, everything came down to the interview process
- September 7th – Interviews held
- September 9th – Michael notified the consultants of the Steering Committee decision, based on the Evaluation Committee recommendation, to negotiate with CEG
 - CEG (John Runyan) had a very strong leadership team and leadership skills, as well as a cohesiveness among the team, however the SC was concerned about the level of capacity in Steven Ames to provide the public outreach it is thought this project will require
- Negotiations are taking place with CEG, with a few conditions to consider
 - JLA to conduct public outreach with CEG rather than Stephen Ames
 - JLA comes with experience, tools and strength on very large community-based public engagement processes
 - Add sedimentation characterization study to map sediment source; Michael is getting that added quote

- Ryan advised that more instruction needs to be given to them regarding exactly what is being asked for in a sediment study
- Don advised that in order to slow down or stop the sedimentation, we need to know where it's coming from
 - Wickiup? City? Other? How much of each?
 - Cause and affect study? Source study?
- Can the sediment be sold, what is in it, etc.... ?
- We will need to test for hazmat materials to DEQ standards
- Who should be involved with analyzing these requirements? Deschutes National Forest Service? The Bureau? Members from committee?
- Shorten timeframe from two years to approximately 18 months
- These conditions have been accepted by CEG and they are working on revising their proposal
- The next step is to get a revised proposal from CEG the week of October 10th

D. Phased Approach and Funding

- Phase 1 & 2 are two very divisible scopes of work
 - Ryan advised that some are concerned about momentum being lost if Phase 1 is completed and Phase 2 doesn't take place for a long period of time
 - Don suggested that an idea about funding for Phase 2 should be in place before considering Phase 1
 - Michael note that we are considering the idea of a Special Mirror Pond Tax District for the May ballot, and that any outreach that could be done prior to that time using the CEG/JLA team would be a win-win both for progress on Phase 1 tasks and informing the voters
- Don suggested that to move forward perhaps we can, if funded locally, move into Phase 1 now and just do the Community Values portion of Phase 1
- Michael reminded how challenging it is to fund a "planning project" from outside sources (i.e. feds, foundations, private, etc...) without first having 'buy-in' on the local level from community agencies
- If Phase 1 can be funded locally, this shows community commitment – then matching grants and other outside funding sources for Phase 2 and future design and implementation are much more viable

E. Schedule, pending local funding:

- November 2011 through April 2012 (approximately)
 - Phase 1, Baseline Conditions and Community Engagement
 - Collect baseline conditions (study)
 - Community Values Outreach to shape four alternatives
 - Prepare a detailed Purpose and Need Statement

- This statement is essential in attracting funding for Phase 2
 - Implement fundraising plan for Phase 2
 - The sedimentation study discussed earlier would be a deliverable of Phase 1
- May 2012 through April 2013 (approximately)
 - Phase 2, Evaluating Alternatives and Community Engagement
 - Define, describe, and “future forecast” up to four alternatives
 - Develop evaluation criteria based on Purpose and Need Statement
 - Evaluate the alternatives
 - Conduct a community outreach to present and evaluate alternatives
 - Final report and recommendation

F. Other

- Don advised that once Phases are complete, there is still the action that needs to take place to follow through on the final report and recommendation (need to think about the funding for this now)

Adjourn

Submitted by:

Brightwater Collaborative, LLC

Michael McLandress

Project Manager

Mirror Pond Siltation Project