



CITY OF LA PINE CITY COUNCIL MEETING MINUTES

Monday, September 25, 2017

5:30 p.m. Work Session

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

Work Session – 5:30 p.m.

1. Call to Order

Called to order @ 5:30 pm

2. Establish Quorum

Present: Mayor Scott, Councilor Briese, Councilor Greiner, Councilor Martinez

[Student Counselor Trentyn Tennant arrived at 6:00 p.m]

3. Pledge of Allegiance

Led by Linda Stevenson.

4. Added Agenda Items

Discussion on location of advertising for City RFP and bid projects.

5. Public Comments

None

6. Update on ODOT Wickiup Junction Overpass Project

a) Update from ODOT and Council Comments

ODOT representative: Bob Bryant, Regional Manager for Region 4, and Della Mosier, Regional Manager, gave a Power Point presentation. In summary: 1) Background – project began due to concerns from traffic and railway hazards; 2) Timeline – project began back in 2007, which is when the preliminary engineering started. Project has gone through design, geotechnical report, funding and finally, bid opening in 2015. The construction timeline between 2016-2017 was also discussed; 3) Consultant and Geotechnical Team Findings and the increased settling issues. It was recommended to un-build the soil embankment and install monitoring equipment within five holes at the bridge site; 4) Geology and Subsurface Conditions – 50' thick layer of lightweight sandy silts, 25' upper lacustrine deposits, 150' lower lacustrine deposits and more than 30' of alluvial fan sand/gravel. Lacustrine are lake deposits. Ancient late converted to a

bog or muck hole that's kept by 50' of lightweight sand material; 5) Summary and Conclusions – a) Mitigation options are constructible, but costs would be high; b) All mitigation options would require extensive supplemental geotechnical and structural investigations; and c) All options have risks due to the difficulty of predicting performance of diatomaceous lacustrine deposits; 6) Current Status and Activities – Remove girders to avoid further damage and mitigate potential safety concerns (these will be taken down in Fall 2017) and use crushed rock materials on nearby preservation projects; 7) Recommendations and Next Steps – a) existing improvements be decommissioned; b) Remaining funds may be used for further site analysis (return the site to a suitable longer term condition, evaluate opportunities to salvage project materials; and additional analysis of extent of diatomaceous soils) and scope alternative short-term and long-term improvements at this location.

Councilor Briese wanted to know if there were other options available at the time options were on the table ten years ago. ODOT said they'd explored other options such as multiple lanes going over the tracks, but it was determined it wouldn't comply with the legal requirement of stopping at the tracks. Using signage to enhance the safety was also discussed, especially for vehicles having to stop prior to passing over the tracks. The overpass seemed to be the most effective to accomplish the goal. Moving away from this location would likely require a longer realignment and more road way to be built. Councilor Briese wanted to know the total percentage of completion – ODOT said they were about 80% complete. Councilor Briese asked how this will change pre-development engineering in the future. ODOT stated that they are putting an action plan in motion to re-evaluate their geo-technical process for pre-development.

Councilor Martinez reiterated how dangerous the highway is right there and that this obviously was not anticipated, but a huge disappointment for the citizens of La Pine. He doesn't want a lot of time to pass while other options are explored.

Councilor Greiner reiterated the disappointment in the community. He stated that he gets asked weekly about the overpass project and the status of what's going on. He suggested realigning Highway 97, even if it goes outside Highway 97. He understands that would be very difficult for businesses, but that safety has to also be a priority.

Student Councilor Trentyn Tennant stated that he would like to see a fast resolution for the safety of La Pine.

Mayor Scott mentioned that this really affects economic development within the City and that these businesses need some type of future. They can't build when they don't know how the project will end up. He also mentioned the need for turn lanes and speed limit changes north of Burgess.

b) Public Comments

Ken Mullen asked if there is any opportunity to provide some kind of safety as we build or re-do the highway coming from Sunriver into La Pine with the leftover funds from the project. ODOT said those are the kinds of things the mayor and council were asking and could include in the leftover funding plans. They could make a recommendation to re-purpose the remaining funds to make these kinds of other improvements.

Harold Johnson stated that he uses Burgess Road and it's a big problem at 1st St with the stoplight. It has had a positive impact, but also stacked traffic up at Burgess. He wants something done immediately and that area is a prime concern. He wanted to know if anyone had thought about an under pass because it would be less weight and wouldn't have to have the embankments. He also asked about a paving plan – how is a paving plan going to help our traffic unless ODOT is adding lanes? ODOT responded by saying that due to the ground water issues, an underpass would be difficult. Expense would also be an issue.

Unspecified: Will ODOT replant out in the area and re-beautify it? ODOT stated that they will take a look at it.

Harold Johnson asked if ODOT ever tested for vibrations from the locomotives going through. ODOT doesn't recall specifically testing for that.

Patt Stone asked about realigning the railroad out of town. ODOT said anything is possible, but when it comes to realigning railroad and irrigation canals, that's some of the most complicated work. Not that it shouldn't be considered, but to get them to do it would be incredibly difficult.

Dennis Kavin (last name spelling unknown) asked about the foundation design and using additional options with regard to the foundation. ODOT stated that the foundation couldn't be put in deep piles to help support the foundation because there's nothing lateral to hold it up once you get down to 250', which is how the piles obtain their capacity.

Gary Black asked when the geo technical surveys were done and wanted to know why only the bare minimum was done. He wanted to know if there are going to be any ramifications with regard to the people who made these decisions. ODOT stated that it's not lost on any of them with respect to the loss of public funds (\$17 million). They clarified that they completed the standard of practice and there was no way of knowing what was down there and that it's a very extremely rare situation. They've been building bridges here in central Oregon for over 30 years and nothing like this has ever happened. They confirmed that they did some deep drilling and that went into the design. What they didn't anticipate or couldn't anticipate was that the embankment couldn't handle the weight of it. There was nothing to indicate they were going to experience these types of conditions.

Andrew Smith wanted to know how soon recommendations will go before the Commission. ODOT stated that they're prepared to take a recommendation to the Commission at the October workshop. They've already provided a similar briefing, so they are aware of the situation. \$10 million of the \$17 million has been spent, so there is a balance of funds that can be repurposed.

Gary Black asked that if everything was decommissioned, how much would that cost and how much would be leftover? ODOT stated that it would probably cost a couple of million dollars to put everything back to how it was.

Martha Baughman asked where will the transportation commission meeting would be held and ODOT stated that it would be held in Silverton, OR.

Harold Johnson wanted confirmation that Burgess Road will be paid attention to. ODOT stated that the proposal that's been drafted for the October meeting is general enough to include Wickiup Junction, although he cannot say what they will or won't approve.

Don McAllister asked if there could be something done in the interim to put a stoplight in place. ODOT stated that traffic impacts would have to be evaluated before anything could happen. If there is support from the Transportation Commission, they could do that type of analysis.

7. Discussion on CDBG First Draw Requirements

Cory Misley stated that the City has received a \$1.2 million dollar grant. Federal funds are being administered through the State for design and engineering for waste/waste water expansion improvement projects. The City will be putting out an RFP. There are a lot of hoops and requirements that the City is required to do before the funds can be applied. The City hired NeighborImpact as its consultant.

Andrew Spreadborough with Neighbor Impact stated that he is working on first draw requirements. He had three things to go over today: 1) There will be a Fair Housing Resolution that Council will be asked to pass – it essentially states that the City supports federal housing requirements, particularly non-discrimination and that the City will support people who feel they've been discriminated against; 2) Section 3 Plan – this has to do with directing opportunities that come about with the grant opportunity to lower income citizens and businesses; Stu Martinez clarified that he does not like having to comply with federal regulations when it comes to them telling the City who they can and can't hire; 3) Limited English Proficiency Plan – provides meaningful access to limited English proficiency persons. La Pine has less than 50 people in its population or speak limited English, or 2% based on the last census.

8. Update on Illegal Camping on City Property

Lt. DeLuca with Deschutes County Sheriff Department stated that people are camping off Darlene Way / Reed Road near La Pine Cemetery. He identified at least 6-8 camps. Someone caused a fire

about a week and a half ago. He went out there today and tried to find out whether they planned on moving on. Most are working at the pine cone factory. Some have cars, some don't, so they're either walking or riding their bikes back and forth. Mayor Scott asked about the trash situation. Lt. DeLuca said the trash is really bad. They want to start the process of asking them to move along. People living out there are also associated with crimes in the area, including gas thefts.

Cory Misley stated that this came to the City's attention in the last few weeks. Deputy Kloss reached out about two weeks and Cory did a ride along. He has been doing some research, including talking to City's legal counsel. Cory provided handouts of some resources that could be given to those being asked to leave. The goal is to reach voluntary compliance. The other issue will be the leftover trash left behind. Lt. DeLuca said that getting an inmate work crew together is a possibility when it comes to helping with the cleanup. He also mentioned that they can use the Search & Rescue drones to find hidden camps that they are not already aware of.

Councilor Briese stated that they have an employer in common (the pine cone factory) and maybe social services can go to their employment with service options. Lt. DeLuca mentioned that the only difficulty to that would be the fact that the pine cone factory is only seasonal. Councilor Martinez also agrees that it's an issue. He likes the idea of tracking where they've been and where they're going. He asked if it's really a law enforcement responsibility or it is social services? Lt. DeLuca stated that they are looking at it as more of a community services aspect. Councilor Greiner believes we need to find a local solution, like a campground, rather than ship them to another city. Lt. DeLuca believes if we start enabling, we start attracting more of these types of issues. We've had a homeless camp before, and it was right across the school. Some of these people have issues, including sex offenses. They've been given different opportunities, but they need to actually take them and it's their choice to take them. Student Councilor Tennant said that he agrees with Lt. DeLuca and believes at some point, you have to crack down. Lt. DeLuca also stated that juveniles frequent these homeless camps because they swap substances.

Mayor Scott said these issues will not go away, so we need to make sure that we have rules in place for dealing with them in the future. He believes we need to strongly enforce this so people will see that we're serious. Councilor Martinez wants to make sure that the schools are aware of the situations and Lt. DeLuca said that was already the case.

Cory stated that he will get notices out early October to the camps and he will work closely with the Sheriff's department with regard to enforcement, as long as the Council is comfortable with the plan.

9. Discussion on Joint Work Session with Deschutes County

Cory Misley stated that there is a work session with the BOCC scheduled for October 17th here at City Hall @ 4:30 pm. Mayor Scott wants to talk about:

- Land issues, primarily in the Industrial Park;
- Alleyways through the City not being maintained that should be maintained by the County;

- Wickiup Junction – making the park and ride a nice park; and
- Land above Crescent Creek – need to start clearing the land (a five to ten year plan).

Cory stated that the BOCC is putting together an agenda and he will circulate that to the Council once he receives it. He asked whether there were any other issues that the Council felt should be discussed. Councilor Briese asked about the park that Mayor Scott mentioned. Mayor Scott said right now, the Park and Ride isn't maintained at all and he just wants to have the discussion. Councilor Martinez mentioned that there has been past issues regarding ownership. It's not a City park and someone needs to take ownership of it and make it a warm and inviting place.

10. Discussion on Interviews and Appointments for City Vacancies

Cory Misley stated that we have three applications for Urban Renewal Agency Board and three applications for City Council. One person applied for both positions. He recommends doing interviews October 11th and still allowing people to apply for the positions up to that date. Councilor Briese doesn't want to be in too much of a hurry and is concerned about not seeing the applications and the quality of the candidates. Councilor Martinez requests staff to email application to the Council for review before we decide on a date. Councilor Greiner would also like to wait and review the applications in advance of making a date.

11. Other Matters: This item concerns any matters that were added to the Agenda under the Added Agenda Items portion of this Agenda.

Discussion on location of advertising for City RFP and bid projects: Cory explained a website called Premier Builders Exchange. The website is a place that contractors/consultants can use to look for projects they want to do. The Premier Builders Exchange posts the announcement/RFP's to their website. That way, there's one source for contractors/people look to bid to use. Councilor Briese recused herself from the conversation because she is the owner of Premier Builders Exchange. Cory wanted to know if the Council is ok with using Premier Builders Exchange exclusively, like the City of Bend does for example, rather than advertise it ourselves. Cory needed direction from the Council on whether they wanted to move forward with using Premier Builders Exchange with regard to the RFP. Councilor Greiner believes it's a conflict of interest. Councilor Martinez' concern is the exclusivity of Premier Builders Exchange and the fact that you can only get the documents from one site (Premier Builders Exchange). Councilor Briese stated that the reason for that is that Premier Builders Exchange keeps track of anyone who has downloaded the document and secondly, when there is any change to any of the bid process, Premier Builders Exchange would update and notify anyone who has downloaded those documents directly. Mayor Scott's opinion is that he doesn't want to give the public any reason to look at the City and wonder if it's doing something unethical. Councilor Briese would like Engineer Erik Huffman to speak on Premier Builders Exchange behalf with regard to the financial benefit to the City and how using Premier Builders Exchange can get the most bids for the City. The cost of the services to the City to do the RFP would be incredibly minimal, probably around \$10. Councilor Greiner wanted to know if Premier Builders Exchange was the only one in the state that the City could use. Councilor Briese said no, it's not. She stated that the advantages are that Premier Builders Exchange is one of the most familiar and that people frequent her website regularly.

Cory will forward the email from Jeremy Allen, legal counsel, to the Council with regard to his thoughts on this issue. Councilor Briese clarified that Premier Builders Exchange is available outside the state of Oregon and nationwide, so bids wouldn't be specific to Central Oregon only.

12. Public Comments

Colleen Scott supports thinning trees where appropriate on City property, particularly in the places where homeless camps are occurring. She mentioned that she was not aware of questionable parts of the city, i.e. homeless camps, and citizens often walk their dogs out that way without any realization that maybe it isn't safe.

Kitty Shields was concerned about the City taking over roads and she believes it needs to be phased in carefully. She appreciates Cory's caution on taking over the roads and believes it needs to be carefully considered when it comes to whether the city can afford it.

13. Staff Comments

Cory Misley stated that the LOC Conference starts Thursday morning. He will put together a staff memo to go out Thursday or Friday. October is very busy with several joint meetings. He is looking to get the Community Development position posted in a couple of days.

Jake Obrist stated that the west side streetscape improvements are still moving forward and he is trying to get it out to bid. He did some pot hole work with ODOT recently. He mentioned the road crossings on Huntington at the St. Charles building. He knows there are a lot, but assured the Council that they are needed. He ordered the new truck, which should be here beginning of November. He is prepping for winter. The GIS system is up and running. He's been trouble shooting with the consultant and learning the new program.

14. Council Comments

Student Councilor Tennant stated that he might not make it to the October 11th meeting due to tonsillectomy. Councilor Greiner had no comments. Councilor Martinez felt that the SLED Luncheon was well attended. He thinks Ryan Culp did a great job of putting together his first one. Councilor Briese is glad that the ODOT meeting went as well as it did, all things considered. She believes the Council got their point across with regard to La Pine not being forgotten. Councilor Greiner attended the small cities network meeting and he stated that they talked in length about the solar eclipse. He said that the discussion was that the area was well prepared for major events based on what they saw on the days leading up to it and the days after.

15. Mayor's Comments

Mayor Scott stated that he was impressed with the way the ODOT meeting went. He went to a school meeting that discussed the issue of kids living in homeless camps. He'd also had some good discussion with Tammy Baney recently.

16. Adjourn Meeting

Councilor Briese made a motion to adjourn the meeting. Councilor Martinez seconded. No objections. Meeting adjourned.



Dennis Scott, Mayor

Attest



Cory Misley, City Recorder

Pursuant to ORS 192.640, this notice includes a list of the principal subjects anticipated to be considered or discussed at the above-referenced meeting. This notice does not limit the ability of the City Council to consider or discuss additional subjects. This meeting is subject to cancellation without notice. The regular meeting is open to the public and interested citizens are invited to attend. The public will not be permitted to attend the executive session; provided, however, representatives of the news media and designated staff will be allowed to attend the executive session. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the executive session as previously announced. No decision will be made in the executive session. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Holly Smith (541-536-1432). For deaf, hearing impaired, or speech disabled dial 541-536-1432 for TTY.