

**Mirror Pond Ad Hoc Committee
Minutes
November 13, 2013**

Committee Members Present: Don Horton, Executive Director, BPRD, City Councilor Victor Chudowsky, City Councilor Mark Capell, Ted Schoenborn, BPRD Board, Scott Wallace, Chair, BPRD Board and

Committee Members Absent: Mel Oberst, City Community Development Director.

BPRD Staff Present: Jim Figurski, Mirror Pond Project Manager, Jan Taylor, BPRD Community Relations Manager and Paula Lowery, BPRD Executive Assistant.

Media Present: Richard Coe and Scott Hammers, James Williams, The Source, The Bulletin and KTVZ.

Visitors Present: Tom Filcich, Matt Hannigan, Kati Hannigan, Michael Minckler, Ron Federspiel, Jack Zike, Nancy Carlsen, Tom Carlsen, J. Ned Dempsey, Todd Taylor, Ed Boero, Gary Vadden, Dan Wadosky, Mike Olin and Matt Shinderman.

Committee Chair Scott Wallace convened the meeting of the Mirror Pond Ad Hoc Committee at 3:05 pm.

Update on Don Horton and Mark Capell meeting with Pacific Power

Mark Capell reported that he and Don Horton had met with four executives from Pacific Power to determine their position regarding the future of the dam. He stated that Pacific Power does not have an answer and will not be in a position to make any decisions until they receive the engineering study based on the recent inspection of the dam. He added that multiple state PUCs will be involved in their decision as it involves a good business decision for the ratepayers. He stated that Pacific Power expects to have a completed engineering study in six weeks, he, and Don hope to schedule a meeting before Christmas to discuss their findings and potential decision regarding the future of the dam. The committee discussed Pacific Power's options of repairing the dam, removing the dam, or giving or, selling the dam to another entity, and how those options are impacted by the PUCs in determining the best business decision. Victor Chudowsky asked what their requirements if Pacific Power choose to decommission the dam. Don Horton stated that question was asked during the meeting with Pacific Power and they weren't sure yet what those requirements might be as determined by the state agencies. Jim Figurski stated in the event of the dam removal Pacific Power would be obligated to a public process through which the type and extent of mitigation would be determined. Scott Wallace asked what information was shared with Pacific Power with regard to the community's position as well as the ad hoc committee's discussions. Mark stated that Pacific Power was advised of the community's position of needing to know what their plans are for the dam and the need for coordination with the community in order to make a determination as to what the ultimate

decision will be for the future of Mirror Pond. Don stated he believes Pacific Power is looking for some direction from the ad hoc committee and the community. He proposed that the committee consider the issues that involved including ownership, liability, and the future of the dam and define a position on what the committee wants to do in order to negotiate with Pacific Power more directly and present the position in a resolution form to the City Council and Park Board to ensure we are headed in the same direction as a community.

Discussion and appointment of public committee members

The applicants for the three public member positions of the ad hoc committee were identified as Ed Boero, Craig C. Coyner III, Ned Dempsey, Foster Fell, Michael Minckler, Mike Olin, Matt Schiffman, Matt Shinderman, Rick Storm, and Daniel Wadosky. Scott Wallace invited the applicants to address the committee regarding their background, experience and why they are interested in the position. The following candidates addressed the committee:

Ed Boero stated that is is an eight-year resident of central Oregon .He stated he has served on a number of committees, commissions and councils in Redmond prior to moving to Bend a year ago. He stated he thinks this is an interesting problem, and he knows that Mirror Pond is an iconic piece of Bend and we need to carefully deliberate on this. He stated this is one of those problems that we don't get on top of and do something in the next year or two it will get more expensive. He urged that we do something reasonably quickly and be as public as possible about it.

Ned Dempsey stated he can offer technical expertise as he has a background in civil engineering, hydraulics, water resources and he has spent the last 30 years as a water consultant. He stated he developed Century West Engineering Company that has worked for both the city of Bend and the park district. He stated he had also worked for 10 years with Geological Survey, a water resources agency of the federal government as a water resources engineer. He stated he has been in Bend and involved in the community since 1973.

Michael Minckler stated he moved to Bend in 1981. He stated he is interested in serving on the committee to represent regular people in Bend. He stated he has 40 years of construction experience and he is interested in getting the best deal for Bend as a whole.

Mike Olin stated he is a 40-year resident of Bend. He stated that for the last six years he has worked for the Shoreline Commission of the Round Butte Hydroelectric Power Plant and Round Butte Dam Complex. He stated he has worked closely with FERC, the electric company and the Warm Springs Tribal Council on what is happening with Round Butte and its future. He stated he was the first president of the Old Bend Neighborhood Association.

Matt Shinderman stated he has been a member of the Mirror Pond Steering Committee for the last two years and he is familiar with the Mirror Pond process. He stated he represents Bend 2030 as a member of the board for the past six years. He stated he also teaches the natural resources program at OSU-Cascades and has expertise in natural resource decision making and collaborative process.

The committee conducted a vote by ballot resulting in the appointment of Matt Shinderman, Ned Dempsey and Mike Olin to fill the public member positions.

Next steps – discussion

Don Horton recommended that the committee develop a position and he proposed that a white paper be created outlining the issues such as land ownership, liability, the dam, water rights, and who should own the assets for the long term. He stated he feels that would create a stronger position for future discussions with Pacific Power. He stated there is a lot of uncertainty with the public about the direction of this project and this would make a statement about where we intend to go. He volunteered to draft the white paper and noted that he would ask Neil Bryant to weigh in on the legal issues. He asked the committee to share any other issues they wish to address. The committee discussed the timing of reviewing the report and meeting with Pacific Power. Scott Wallace asked when the results of the state water resources department's assessment of the dam will be available. Don explained that it is anticipated the state will need two months to complete the assessment. Mark Capell clarified that future discussions with Pacific Power based on their findings would be subject to verification in the state report. The committee agreed to move forward with the creation of a white paper addressing the issues as identified.

The committee scheduled a meeting for Monday, December 2, from 3:00 to 5:00 pm at the Bend Park & Recreation District office building.

Public Comment

Scott Wallace invited public comment. None was offered.

The meeting was concluded at 3:40 pm.

Prepared by,

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