

BIKEWAYS AND WALKWAYS COMMITTEE
Meeting Minutes – August 10, 2021 at 12:00 PM
Council Chambers

Member Attendance:

Keith Yoho (Chair)
Bob Lange (Vice Chair) - Absent
Lesley Orr
Chip Dennerlein
Cliff Kuhlman
Dana Christensen
Craig Rodenmayer
Melissa Pingree - Absent
Eric Parrinello - Absent

City Staff/Council Liaisons:

Brian DeLaGrange (City Council)
Darin Fowler (County Commissioner) - Absent
Wade Elliott (Public Works Assistant Director)
Rob Brandes (Jo Co Public Works) - Absent
Jenna Stanke Marmon (ODOT) - Absent
Ofc Jason McGinnis

Public:

Mike Mallory, Bob Bonner, Brent Shannon, Art Wilbur,
Mike Martin, Terry Ferral, Justinian Caire, Mike Appling,
Maryann Mallory

1. Roll Call:

- Chair Yoho opened the meeting and took roll.

2. Introductions:

- None.

3. Approval of Minutes: July 13, 2021

Member Orr moved, and Member Dennerlein seconded the motion to approve the minutes from July 13, 2021 as written. The vote resulted as follows: “AYES”: Chair Yoho, Members Orr, Christensen, Kuhlman, Dennerlein, and Rodenmayer. “NAYS”: None. Abstain: None. Absent: Members Lange, Pingree and Parrinello. The motion passed.

4. Action Items:

- Review Committee Applications
 - a. Members discussed the applicants, Jim Coulter and Benjamin Betterly. They conducted a preference poll and selected Mr. Betterly by a vote of 5 to 1. Member Kuhlman abstained.

Member Orr moved, and Member Rodenmayer seconded the motion to recommend Mr. Benjamin Betterly to the Grants Pass City Council for selection to the Bikeways and Walkways Committee. The vote resulted as follows: “AYES”: Chair Yoho, Members Orr, Christensen, Dennerlein, and Rodenmayer. “NAYS”: None. Abstain: Kuhlman. Absent: Members Lange, Pingree and Parrinello. The motion passed.

5. Public Comment:

- Mike Mallory – 1068 SE Belle Aire Drive. Mr. Mallory asked committee members if the access is open or closed. Wade reminded the public this is not an open dialog but did add the easement is open currently. Mr. Mallory also wanted to know what has changed in the last month. Wade indicated they would note all the questions and answer them at the end of the public comment period. Mr. Mallory had a question for the attorney (not present) and believes that since the City of Grants

Pass is a public entity, and the easement is public then the City should be 100% liable for that easement should anything happen.

- Bob Bonner – 1311 SE Bluebird Drive. Mr. Bonner asked if an easement and an access are the same. He stated he followed up with an attorney who said that all access points are easements but not all easements are access points. He noted that of the three sites, two of them are access points and can be denied access. The third on Rogue Drive is an easement specifically for water overflow and is not an access point. It would have to be voted on to make it an access point. He stated that spot is very dangerous due to the culvert, rocks, and the blackberries. This is a liability for the City. He questioned how many access points the City can afford to maintain. He mentioned the Elm Street fire and noted that his street was developed so a fire truck can get in and out but if cars are on both sides of the street, an emergency vehicle cannot get in or out. Discussion followed.
- Brent Shannon – 1303 SE Bluebird Drive. He stated as per Wade Elliott's email from July 20, that all three access points are open to the public and the sole issue is navigability. Mr. Shannon believes there is more to the issue than navigability. He indicated that he is waiting for information from the DSL (Department of State Lands) on the control of the riverbank parallel to the river. The City still has authority over easements and right of way that leads to the river. He cited the City Manager's letter from May 2013 that said the City can open, close, or vacate an easement. Mr. Shannon noted that the easement on Elm Lane was closed in 2014 due to public safety issues. The navigability issue was used as a secondary technical reason. He talked about Rogue Drive, which is not an easement but a utility right of way and was never previously open to the public. Same with Belle Aire Drive. He believes they were most likely closed using the navigability issue, but the real purpose was to keep "bad actors" out of the area due to the proximity of Elm Lane. He feels the issue of the access points are still open and not as cut and dried as Mr. Elliott seems to believe. He said he reached out to the two City Councilors that represent Ward 2 for their input on Mr. Elliott's opinion. He also said that at the meeting last month this committee presented a historical view of the problems on Elm Lane with photos and testimony. This month they provided a picture tour of the open access point located at the end of SW 5th Street where it ends at the river. The photos were taken on August 2, 2021. There is an official sign for the overlook stating the hours it is open. He noted the garbage left around the area that was not in the trashcan and noted the stench that is coming from the stairway that is an obvious sanitation issue. The alternative to 5th street is the end of SE 8th Street. He didn't have a photo but spoke to the homeowners and noted they also have an issue with trespassing along the easement to the Hellgate Jetboat fueling and parking area. There are signs that say, "No Trespassing" and "Authorized Personnel Only." He said this is supposed to be an open access point to the river but there are also these signs on the property of the homeowners. The residents in this area are not shy about calling the City about issues. He is asking the same two questions he asked last month. Who will assume the liability, the City, or the State and who will assume maintenance, responsibility or policing or cleanup of the riverbank. They have a petition from residents from Priscilla Lane to Belle Aire Drive to ask the City Council to keep the access points closed but we would prefer to end this issue with this committee. The recommendation, considering all the issues, should be to table this issue pending further resolution of the homeless issues but continue to allow residents to access the river by whatever means they have been using in the past.

- Art Wilbur – 1401 SE Rogue Drive. Mr. Wilbur says he is the only that pays all the taxes for the easement. Has been a resident since 1947. He asked how much more access do we need to the river and noted those areas are not being kept clean as it is. There is no access where he is now and there is a slough and an island there. Feels that opening more access if we can't take care of what we have is ludicrous. He doesn't want anymore people trashing the area.
- Mike Martin – 1355 SE Elm Lane. Mr. Martin stated for the record that everyone on Elm agrees to keep the public out of there so they can have the right to peaceful enjoyment of their property. He's a landscaper that says he can't afford to retire and can't stay at home to keep an eye on his fiancé that has medical issues or the little diabetic boy across the street. Says there are a million other places for access to the river and that he is tired of needles on his driveway. He noted that the garbage truck must back down Elm Lane because the street is only 12-feet wide. He feels it is a failed experiment to keep the access open but worries about the blocked access from people parking along Elm Lane if there is an emergency.
- Terry Ferral – 1345 SE Elm Lane. Mr. Ferral said he backs up everything that Mr. Martin said. He said just this last week the garbage truck was backing down the street, but the postal carrier was already there, and the garbage truck took out three branches off his tree trying to avoid the mail lady. He said there is no navigability on this street. He indicated all the lack of parking and other issues on that street including no restrooms and that it would open the area to derelicts.
- Justinian Caire – 1099 Oriole Street. Mr. Claire said he has lived on Oriole for about 6 months. He has been a public employee for 40 years but is not familiar with Grants Pass. They purchased the property knowing that the access points were closed which was a big buying point for them but became distressed to learn it was open. He believes that many cities open access points to the river on request without considering any damaging effects. He said many are aware of the deplorable conditions of our City parks, restrooms aren't maintained, the garbage is everywhere, and are the site of sexual acts. He explained other issues including lack of staffing in many key positions including the Parks Superintendent. Feels it is time to make our current recreational areas safe and useable for residents instead of seeking to expand them and asks if this is what this committee function should entail. Feels the decision, accountability and responsibility belongs with this committee and there are too many people directly affected.
- Mike Appling – 1461 SE Rogue Drive. Mr. Appling talked about back in 2013 when the City visited the site when there were over 100 people on the beach at the end of Elm Lane. It was decided to close that down. He is under the impression that the City can't run people out of there now once they set up camp. The concern he feels is that (the City) should demonstrate they can take care of this before they open another access point. Noted there is room for about 200 tents or tarps below their houses on the beach. He is concerned that if it's opened back up it will create closer access point between the panhandling area on the Parkway and the area at the end of Elm Lane and they won't be able to run them out of there.
- Maryann Mallory – 1068 SE Belle Aire Drive. Ms. Mallory stated that at the last meeting someone mentioned making Belle Air Drive a neighborhood walkway. That easement was deeded to the public, not Belle Aire Drive. She believes it must stay with all the access points and it can't legally be made into a walkway to her knowledge.

- Officer Jason McGinnis – City of Grants Pass. Officer McGinnis talked about the recent lawsuit against the City. The Medford judge ruled that our parks could be used by the homeless as a resting place. During the day, the tents had to be removed from the park. Some changes did occur by the City Council by allowing people more time to have their tents set up. They do not have the power to kick anyone out of the park anymore. They can still do arrests but not remove. Then the State passed the drug law allowing them to have heroine and meth. Additionally, our Governor just passed the State Senate Bill allowing camping on public property for 72 hours. He feels that would be the biggest concern because its not a City park at that location. It's a pathway but it's public property. He also noted that City Council just passed an Ordinance that if it's going to be over 100° they aren't to contact them because it's too hot. With the rulings being handed out they are stuck. Medford is clearing out their homeless camps and they are coming over here. He and his partner go to the parks 4 days a week to talk to people but it's minimal on what they can do.

End of public comment.

Chair Yoho and Councilor DeLaGrange both reminded the public this portion of the meeting is for committee discussion.

- Wade announced that Officer McGinnis will stay after the meeting to answer any questions the public may have to expedite this part of the meeting.
- Member Orr expressed concern about the safety issues of the narrow roadway allowing for emergency vehicles. She asked if it was possible to query the fire department and the ambulance service for their input if they are aware of it and if they have a way of accommodating in emergencies considering the configuration and what their perspective is. She mentioned she is concerned about the safety and people not being able to get the proper care. Discussion followed.
- Member Rodenmayer stated that he seconded what was said but noted there are two layers of immediacy. The emergency vehicles and the parking that does impinge emergency vehicles on Elm Street. Homeowners have a genuine concern for the vagrancy issue and the officer pointed out that the legislature has made difficult situations worse for things out of their control. He feels they can potentially address the issue on the front end of the emergency access for the homeowners.
- Member Dennerlein stated he agreed with what member Orr said but wanted to capture this discussion on the record. He noted that for whatever reason the (access points) are open right now. He believes they can treat them differently. There are 3 easements and there is nothing that prevents the City from handling them differently. He noted the need to look at the easement on Rogue Drive for overflow and the public safety issue on Elm Lane and believes that public safety trumps everything. He noted concern about not being able to get a fire truck down the street and the insurance and homeowner rates if the response rates fall. He asked what needs to be done to correct public safety on Elm Lane. He wants to find out if there is too much access or not enough access, what is the status of public land along the river and who owns it. He encouraged that they learn about all the aspects. He believes there is a public safety and access issue and that they don't know about the access along the river, but they should.

- Chair Yoho added they are not entertaining any motions and noted this is an advisory committee. They can make recommendations to City Council, but they can't pass anything or make any true changes.
- Member Dennerlein noted that we didn't create the easements, but the issue came to this committee and they can give advice about it and they can push to see that advice is taken by the Council and states they will deal with it.
- Councilor DeLaGrange mentioned that he is not a committee member but is the Council liaison. He noted he is there to take record and oversee the meeting but is not a voting member. He notes that this is a very important issue. He advised that the committee shouldn't get bogged down for months and months on this topic since it has already taken two full meetings worth of time. He mentioned members could take a field trip to see the issues in person but stressed the committee should keep moving forward.
- Member Rodenmayer stated he has visited the questionable easements, but they were closed at the time. He wanted to know if they are open again and if the fences been taken down, has landscaping been removed.
- Wade noted that this all came up via an email. He stated he doesn't care if the access is open or closed and added it is not on the City's agenda. They are not pushing this. He has interpreted the letter from 2013 and noted it was based on the navigability of the river. That letter has been overturned and he feels it has no bearing on whether the easements are open or closed. In his mind they default to open. He added that if this committee would like to make a recommendation to Council to open them that is great. If they want to open, that is great. He mentioned the request from Brent Shannon to investigate all the other easements in Grants Pass within the UGB along the river. He explained it is too high a level of effort for staff to do for at a request of a community member. The process would be to charge the billable rate for the City surveyor to do property tax lot research to look at all the properties that touch or are close to the river. The whole City is understaffed but doesn't want to divert the City surveyor to do that work right now. He wanted members to understand that process. Discussion followed.
- Member Rodenmayer asked if the scope of concern from this committee is the three easements and wanted to focus on those.
- Chair Yoho mentioned there are a lot of moving parts from legal aspects to what is capable but no lawyer to advise us. He talked about property data information such as a 1979 surveyor certificate that shows on Belle Aire Drive a pedestrian easement, then the letter from 2013 noting that back in 1983 the pedestrian access that was added to Elm Lane. Rogue Drive is listed as a right of way and not a pedestrian easement. He feels a lot of this is beyond the purview of this committee can obtain and needs to be investigated at the Council level where they have the guidance of the City Manager and a lawyer. Elm Lane is a huge problem. It is easy to get stuck on Elm Lane. He would recommend that issue to the City Council because a pedestrian can't get down Elm Lane. There are no sidewalks. That one doesn't seem feasible. On the other ones (access points) they need to be pushed to City Council for further investigation to obtain information. This committee can't get through this in one hour a month while trying to get through the other stuff. His recommendation is to push this forward to the City Council with the questions and comments he has noted from the public and from officer McGinnis. Much of it is the liability on the City easements for damages, high water marks, maintenance, etc. That must be clarified by the City Council and disclosed. He feels they are more equipped to manage it.

They would need to hear it anyway. This committee cannot make the decision about any of it and it's a waste of the residents' time to for the committee to hold it here.

- Member Dennerlein added that this came to us because we are the Bikeways and Walkways committee. Elm Lane is not a good place to take a walk. He feels they can make some recommendations. He suggested getting together with the Parks Committee to get an overview and look at a system and connectivity.
- Chair Yoho stated he really doesn't want to push this off another month. He stated it is better to make a motion to get this pushed up to City Council and he will write up a summary for them.
- Councilor DeLaGrange added that any motion they make will come to the Council at a workshop. The Chair or a designee will be at that meeting to help The Council understand the issues.

Member Rodenmayer moved, and Member Orr seconded the motion to recommend the City Council review the access points for SE Rogue Drive, SE Belle Aire Drive and Elm Lane along the Rogue River and review public safety issues for Elm Lane. The vote resulted as follows: "AYES": Chair Yoho, Members Orr, Christensen, Dennerlein, Kuhlman, and Rodenmayer. "NAYS": None. Abstain: None. Absent: Members Lange, Pingree and Parrinello. The motion passed.

- Wade added that the overlay for river access would be a good idea to do with Park and this might be good for Strategic Planning that is coming up. Member Orr added there may be funding available in the form of grants. Member Dennerlein agreed that would fit in nicely and believes that much like the Willamette River this will be figured out for our town too.

6. Matters from Committee Members and Staff:

- Updates from local jurisdictions –
 - a. Lesley mentioned during the river access discussion that the Oregon Bicycle Manual in conjunction with Safe Routes to School and the maps can be ordered for free from the State.
- Sub-Committee Updates
 - a. There were none.

7. Future Agenda Building for Next Meeting

- None.

8. Adjournment

- Chair Yoho adjourned the meeting at 1:11 pm

Next meeting date: September 14, 2021 at 12:00 pm in the Ridge Room 108.

Minutes prepared by Donna Anderson, City Public Works Department.