

## MINUTES

Eugene City Council  
McNutt Room—City Hall

July 1, 1996  
7:30 p.m.

**COUNCILORS PRESENT:** Tim Laue, Laurie Swanson Gribkov, Shawn Boles, Pat Farr,  
Kevin Hornbuckle, Barbara Keller, Nancy Nathanson, Jim Torrey

Her Honor Mayor Ruth Bascom called the meeting to order.

Mayor Bascom called the council's attention to changes in the meeting schedule. Mr. Hornbuckle, noting the amount of work needing to be done, requested that the council attend to as much business as possible.

### **I. DISCUSSION/ACTION: METRO PLAN AMENDMENT FOR SHORT MOUNTAIN LANDFILL**

Mayor Bascom invited Cathy Czerniak, Metro Planner, to begin her presentation.

Ms. Czerniak reported on the Eugene Planning Commission's recommendation to approve the Metro Plan amendment with a provision in the ordinance delaying the effective date of the amendment until an intergovernmental agreement (IGA) between the three jurisdictions was in place.

Mr. Torrey asked Ms. Czerniak to describe Lane County's concerns regarding the IGA. Ms. Czerniak reported that Lane County is concerned that the differences between Eugene's ordinance language and the language contained in Springfield's and Lane County's ordinances may present a risk to the amendment process.

Glenn Klein, City Attorney, expressed his feeling that the effective date clause would not violate the need for the adoption of identical Metro Plan language.

Ms. Nathanson asked that the reference to emergency response system in option one, item B, be changed to reduce the possibility of citizens confusing the reference with the Department of Public Safety. She asked Ms. Czerniak whether the Planning Commission discussed the possibility of the proposed sewer line being available for use in the future by rural residents in the event of septic tank failures. Ms. Czerniak said the commission had not. She explained that the Metro Plan would not allow the City to assist residents outside the Urban Growth Boundary (UGB) in the event of septic tank failures.

Mr. Boles asked if the sewer line depicted in staff materials was "Option 2." Ms. Czerniak said yes.

Ms. Keller remarked that "Option 2" was different from the original sewer line. Ms. Czerniak agreed that the route within the UGB had been changed. Mr. Torrey asked for clarification, and Ms. Czerniak explained that County staff developed the route in consultation with City staff and in recognition of the needs of property owners within the UGB.

Ms. Swanson Gribakov asked if the council will review an IGA. Mr. Klein described the council's options. He said that the council can specify elements of the IGA in the ordinance, or let staff develop an IGA with County staff and specify that the IGA be brought back to the council (which the ordinance does not currently require), or adopt the ordinance as is and allow staff to reconcile differences with other jurisdictions and execute the IGA.

Mr. Lane asked if the Planning Commission was divided on any other issue other than the size of the pipe.

Mayor Bascom asked what the time line would be if the council wants to pursue an IGA with the other jurisdictions. Ms. Norris said an IGA could likely be prepared within thirty days. Mayor Bascom asked what would happen if the council did not adopt the Metro Plan amendment until after an IGA is in place? Ms. Norris answered that the amendment would not take effect until after all three jurisdictions take action to approve it.

Ms. Keller felt the council should be discussing the proposed sewer's impact on growth. She said that Lane County has had difficulty complying with Department of Environmental Quality (DEQ) regulations, and that the Planning Commission, by its recommendation to amend the Metro Plan, has thrown up its hands and made the Metropolitan Wastewater Management Commission Lane County's parole officer instead of the DEQ. She expressed concern for taking on enforcement responsibility for Lane County, because it was a bad precedent. Ms. Keller further noted that Lane County had not fully responded to the questions raised at the Joint Elected Officials public hearing. She felt the council was responding to a false urgency, that the system would not be in place before the rains, and that the County should continue to truck the leachate to the Glenwood Receiving Station.

Mr. Boles, referring to the cost-per-user analysis in the staff materials, asserted that the council's charge was not to respond to urgencies produced by another jurisdiction's panic, and that a legitimate solution to leachate disposal, that does not require City monitoring, would only cost users a modest amount.

Mr. Farr asked how long construction of the pipeline would take. Staff said three to four months. Mr. Farr asked if construction needed to be complete before the rains. Staff said construction is not weather dependent. Mr. Farr expressed confidence in County staff's integrity and competence.

Mr. Hornbuckle expressed interest in Ms. Keller's position on the implications for growth of installing the sewer line, and expressed sympathy for Mr. Boles' position that the City was being put in a position of having to react to a situation rather than addressing it in a measured, thorough manner.

Ms. Swanson Gribakov noted that the council needed to discern the best alternatives under the present circumstances, and that the Planning Commission's recommendation was persuasive. She said concerns about creating new growth pressures were adequately addressed by the IGA, and that she

had no problems with Springfield being included in an IGA. Ms. Swanson Gribakov expressed confidence that County staff and officials were addressing the hook-up with the sewage treatment system in a professional and competent manner. She appreciated that the metro area generates the most garbage.

Mr. Torrey said he believed Eugene shares the responsibility to address the leachate disposal problem with the County, that he felt the County had performed its job with due diligence, and he intended to support the ordinance to amend the Metro Plan.

Mr. Boles said that it would be wrong to make an exception to Goal 11 when there are alternatives available. He added that some alternatives to the sewer line would be better environmentally. Monitoring an IGA would create administrative costs unaccounted for in the cost estimates presented. He thought it was a mistake to place more emphasis on short-term costs rather than long-term costs to the community. Mr. Boles noted that not approving the ordinance would only mean that the Metropolitan Policy Committee would consider the other alternatives, and that a solution would be chosen.

Ms. Keller thought that the recommended solution did not reflect Eugene's concerns regarding growth. She added that requests for hook-ups would be constant.

Mayor Bascom commented that she regretted the County did not try trucking earlier. She was disappointed there was not earlier interjurisdictional work on the problem, but that the City was partly responsible for that. She expressed regret that choosing the sewer line would disable future councils from taking advantage of evolving technology.

Ms. Nathanson said she believed trucking was more environmentally harmful than a sewer line, since it would generate significant vehicle miles. She said that the rail option seemed to be the least energy intensive solution, and seemed the most environmentally responsible.

Mr. Farr noted that leachate is potent, and that a pipeline is an efficient means of moving materials. He favored the pipeline and intended to vote for it. Mr. Farr asked for information about future requests for hookups. Ms. Czarniak explained that any future hook-ups would require additional Metro Plan amendments. Mr. Farr returned that he felt confident there were sufficient steps in the process to reduce the number of future hook-ups.

Mr. Laue thought installing a sewer line would intensify pressure for growth beyond the natural borders of Eugene, and asked why the spray alternative had been rejected. Staff replied that spraying of leachate is an unproven technology, away from which most jurisdictions are moving. It is illogical to spray on the ground what you would not let seep into the ground. Mr. Laue thought that if the City advocates allowing stormwater to percolate through the soil that the County should do the same with leachate. He said he was uncomfortable with the ordinance, and wished there were a better alternative.

Mayor Bascom said she felt the council should approve the ordinance if there were sufficient stipulations in the IGA.

Mr. Hornbuckle said he thought the majority of the council supported the ordinance, and that

members should address the elements of the agreement.

Ms. Keller replied that the council should continue its discussion of long term impacts, and that installing a sewer line would saddle the City with future problems. She said the council should select on-site treatment as the least impacting method of disposing of leachate.

Mr. Boles said that there are solutions that do not require an exception to Goal 11, do not cross UGB boundaries, and do not involve crafting and managing an IGA. He wondered why leachate prevention, or monitoring requirements were not specified in the proposed IGA by the Planning Commission.

Ms. Czerniak said monitoring requirements could be required in the IGA even though the discharge permit would specify monitoring requirements as well. A requirement for leachate reduction could also be added.

Mr. Torrey recognized the council's interest in protecting the UGB. Could we require in the IGA that best management practices be used? What are the costs of monitoring?

Peter Ruffler, Director Wastewater Treatment Division, replied that best management practices measures for the control and reduction of leachate would be required. Mr. Torrey asked what the cost of monitoring was? Mr. Ruffler said that monitoring is not a significant factor in comparison to the cost of operation and maintenance.

Mr. Torrey asked if the County would pass its costs on to those who use the facility? County staff said yes.

Ms. Swanson Gribakov asked why a hookup for Lane Community College (LCC) is a problem?

Mr. Boles replied that the original Metro Plan did not permit development in the LCC basin. Passing this ordinance makes it difficult for elected officials to resist requests for additional hookups in the future.

Ms. Czerniak pointed out that the size of the proposed sewer line accommodates the Short Mountain Landfill and could accommodate LCC, but would never have sufficient capacity to accommodate development in the whole LCC basin.

Ms. Nathanson thought that the criteria established in the Metro Plan text for future extension of service safely preclude development of the whole LCC basin.

Mr. Boles moved, seconded by Ms. Keller, to deny the Planning Commission recommendation regarding Metro Plan amendment for Short Mountain Landfill and seek resolution from the Metropolitan Policy Committee.

The motion failed, 5:4, Councilors Swanson Gribakov, Farr, Torrey, Nathanson, and Mayor Bascom opposed.

Mayor Bascom directed the council to identify the elements of an IGA.

Mr. Lane moved, seconded by Mr. Boles, to defer action on the Metro Plan amendment until an intergovernmental agreement is in place.

Mr. Torrey asked if pursuing this course of action would create an untenable situation for the County? A County representative responded that delay means having more stored leachate to deal with at a greater cost, but that delay was acceptable if it would lead to approval of the pipeline.

Mr. Boles remarked that the list of criteria to be addressed in the IGA given in Option 2 is inadequate.

Mr. Klein recommended that the motion could be amended to specify what needs to be in the IGA. Ms. Norris asked the council to identify what it wanted to include in the IGA.

Ms. Keller pointed out that the discussion assumed the sewer line was accepted, but that she did not support the proposed sewer line.

Mr. Torrey noted that the council with the mayor clearly supported the proposed sewer line, and asked that all members address the elements of the IGA, and to complete the task before the summer recess.

Mr. Boles proposed as a friendly amendment that the intergovernmental agreement address, but not be limited to, route, three-inch pipe size, limitations on use of pipe, emergency response system, present and future pretreatment limitations, penalties and disconnection for violations, revocable permits, an effective leachate prevention program, costs for monitoring to be borne by the applicant, and monitoring requirements spelled out. The amendment was accepted by the original maker.

Mr. Hornbuckle expressed support for the amendment and the main motion.

Mr. Torrey expressed concern that stipulating a three-inch pipeline would make it difficult to achieve consensus with the other jurisdictions.

Ms. Keller moved the previous question. The motion failed, councilors Hornbuckle and Keller voting in the affirmative.

Mr. Boles moved to extend discussion by ten minutes. The motion passed, 7:1, Ms. Keller opposed.

Mr. Hornbuckle asked to hear an explanation of the three- versus four-inch line. Christine Anderson, Public Works Director, explained that the line will have additional capacity in it, regardless of whether it is three or four inches.

Mr. Boles said a three-inch line would have less of a financial and environmental impact than a four-inch line.

Ms. Swanson Gribakov moved, seconded by Mr. Torrey, to drop the three-inch pipe-size specification from the original motion and have size be addressed in the

negotiations for the intergovernmental agreement. The motion passed, 5:4, with Councilors Swanson Gribakov, Torrey, Nathanson, Laue, and Mayor Bascom voting for the motion.

Ms. Keller moved the previous question, the motion to vote passed.

The motion to defer action on the Metro Plan amendment until an intergovernmental agreement is in place, which addresses, but is not limited to, route, pipe size, limitations on use of pipe, emergency response system, present and future pretreatment limitations, penalties and disconnection for violations, revocable permits, an effective leachate prevention program, stipulating that costs for monitoring be borne by the applicant, and spelling out monitoring requirements passed 4:3, councilors Hornbuckle, Boles, and Keller opposed.

## II. DISCUSSION OF LANE REGIONAL AIR POLLUTION AUTHORITY HISTORY

Ms. Keller left the meeting at 9:17 p.m.

Ms. Walston introduced Al Johnson and Steve Dodrill Eugene citizen representatives to the Lane Regional Air Pollution Authority (LRAPA) board, and gave the staff presentation.

Council members discussed the current funding structure for the Lane Regional Air Pollution Authority (LRAPA). A list of options suggested by the LRAPA staff as one way to reduce the dues paid by member organizations was reviewed. Councilors expressed support for the organization's continuance.

Ms. Swanson Gribakov asked what would happen if LRAPA were dissolved, and what costs would result from that. Mr. Dodrill said the responsibilities of LRAPA would be assumed by the State Department of Environmental Quality (DEQ). Under those circumstances DEQ would not likely increase its staff, which would mean that the area would receive less monitoring.

Mr. Torrey said he felt supportive of continuing LRAPA, and that he wanted to discuss the relative quality of the work of LRAPA and DEQ.

Mr. Dodrill pointed out that LRAPA, as a local organization can provide more protection, and more service to permittees. Mr. Johnson described a contact with a local industry representative who, even though he lobbied for relaxation of LRAPA rules to DEQ standards, also valued LRAPA, because staff understands the local business circumstances, is more service-oriented, and more accessible.

Mr. Boles noted that dissolving LRAPA would lead to a relaxation of the control of the airshed. He noted, however, that dissolving LRAPA would eliminate the focus of political pressure which a local agency produces among the businesses and people it serves. Mr. Boles said he prefers local control as a means of minimizing costs to the jurisdictions; he favored charging services to permittees, and establishing a kind of external review.

In response to questions about timing made by Ms. Swanson Gribakov, Ms. Norris replied the

LRAPA board is looking for confirmation that the local jurisdictions support LRAPA, but other member jurisdictions are not going to be able to address the question until September or late summer.

Mr. Hornbuckle supported giving the agency a clear signal, rather than letting the agency continue without approval.

Ms. Nathanson asked if and when the council needed to discuss revenue and funding issues. Ms. Norris said staff was ready for such a discussion should the council decide to include it on its agenda.

Mr. Boles informed the council that all member jurisdictions must vote to dissolve the agency before it can be dissolved. He added that LRAPA needs to develop an objective means for evaluating its performance. Mr. Boles suggested that the council discuss the issue at its August meeting.

Mr. Johnson, responding to Mr. Boles concern about developing evaluation measures, said that the advisory committee has developed a performance assessment which has identified public reaction as a concern, and that staff is addressing this issue. He commended the LRAPA staff.

Mr. Hornbuckle suggested that the council discuss LRAPA's fee structure and funding options when it next addresses the issue of affirming the agency's continuance.

Mr. Boles suggested that more information could be included in the meeting materials.

The meeting adjourned at 9:48 p.m.

Respectfully submitted,

*Linda H. Norris*

Linda Norris  
City Manager pro tem

(Recorded by David J. Bell)  
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