

**City of Lafayette**  
**City Council Special Sewer Hearing Minutes**  
**January 11, 2000**  
**7:00 PM**

1. **CALL TO ORDER:** The meeting was called to order at 7:00 PM at the City Hall.

2. **FLAG SALUTE:** Mayor Theresa Syphers led the flag salute.

3. **ROLL CALL:** Robert Willoughby, City Administrator, called the roll.

*Present:* Mayor Theresa Syphers, John Miller, Terry Yarbrough, Ron Harris, Jackie Carpenter, Bob Cullen and Russell Kappes

*Absent:* None

*City Staff Present:* Robert Willoughby; Phil Lieberman; Jackie Motsinger; Beulah Ward; Randy Hubbard, John Yarnall, Westech Eng.; Jerry Overgard, COG; Jerry Minor, KCM Eng.; Paul Elsner, City Attorney; Chris Gilmore, City Attorney

*Invited Professionally Interested Parties:* Bob Dicksa, DEQ; Mark Hamlin, DEQ; Tony Bell, McMinnville

4. **PUBLIC HEARING: Sewer Rates and New Wastewater Treatment Plan (Second Hearing)**

Mayor Theresa Syphers explained the proceedings for the Staff Report. Bob Willoughby introduced John Yarnall. He asked him to summarize the Wastewater Systems Facility Plan and our NPDES permit violations.

John Yarnall explained why the current sewer treatment plant is no longer able to stay in compliance. The existing wastewater plant was designed in a more relaxed regulatory climate with a much smaller population. Mr. Yarnall said the City Council adopted a Wastewater Systems Facility Plan in December 1998. He said his final recommendation is to build a new plant and make the improvements to the collection system identified in the Wastewater Master Plan.

Jerry Minor said the adopted plan is to build a plant like McMinnville and Newberg's plants. He said the new plant would be on the opposite side of the road from the existing plant. Mr. Minor said the site of the existing plant could eventually be turned into a park.

Boots Ward explained the difficulty she is facing at the sewer plant. She passed out and discussed her latest "discharge monitoring report". She also said the city is in compliance now while it is cold but as soon as it warms up "we are in a lot of trouble". Boots explained the need for cool water temperatures to keep oxygen in the water for the bacteria to feed on.

Bob Dicksa and Mark Hamlin from DEQ spoke of permit violations and the number of "Notice of Permit Violations" the city has gotten. Bob Dicksa said to keep from getting fined the city has to say "We're not in compliance but we are doing these steps to get into compliance".

Chris Gilmore said he and Paul Elsner put together a memorandum on some of the issues surrounding the City's potential for liability in the likelihood the City continues to violate the terms of its National Pollution Discharge Elimination System (NPDES) permit.

John Yarnall said along with a new wastewater plant, the city also needs improvements in its collection system. He said there is not much dilution ration in the river so a lot of chemicals and extensive treatment are needed and this is very expensive.

Jerry Minor said a new plant will provide advanced treatment to meet the city's NPDES permit. He said the plant should last for the next 20 years. He also said the plant is not a "Cadillac", but is not a "Yugo" either.

Tony Bell said he is professionally interested in the wastewater problem. He said he is a member of a committee in McMinnville that developed their new sewer plant. He is also a former professor of environmental science at Linfield College. Mr. Bell said our cost is well in line with McMinnville's cost compared to population. He said it was a frustrating experience. He understands the public's concern about cost but the expensive treatment is necessary to stay in compliance with the city's NPDES permit.

Bob Dicksa said the state sets standards to protect the water quality. People need to be safe when using the water for swimming, fishing, etc. and this is why sewer plant compliance standards are strict.

Phil Lieberman then explained what the sewer rates need to be in order to pay for a new sewer plant and other improvements. Mr. Lieberman discussed several sewer rate options. He said he recommends a flat \$50.00 sewer rate (a \$30.00 increase) and he explained the reasons for his recommendation.

Mayor Theresa Syphers thanked Staff for their report.

At 7:50 PM the mayor and council took questions from the audience.

Ron Ross, 675 3<sup>rd</sup> St. said a new plant can be in violation just as easy as an old plant if equipment breaks down. He said there may be more DEQ requirements in the near future. He also said he feels the city can get more grants and loans in the future. Mr. Ross said he supports a \$20.00 increase even though there may have to be another increase in 10 years. He also said he feels we are paying too much now.

Bob Willoughby said Jerry Overgard might like to comment on getting more money in the future. Jerry Overgard said there has been a steady decline in Grant money. He said competition for grants and loans is becoming more intense. He also said putting off building a new sewer plant will increase cost because of inflation. Since 1998, with 3% inflation, we will have to spend \$693,000.00 more.

Marianne Mitchell, 1606 Bridge St., asked what the violations are. She also said she thought the siting of the plant is wrong and would like to see it moved to the industrial area. Ms. Mitchell said that when the West Side was developed, she was led to believe the sewer plant was fully capable of the extra load. She asked about our still being in non-compliance while we are building a new plant.

Bob Dicksa, DEQ, said the violations are bacterial, removal and concentration of oxygen demand.

John Yarnall said at the time the west side of Lafayette was expanding, there was no Hamilton Estates. He also said we are now talking about a 20 year plan and a 2000 to 4000 population. Regarding being in compliance while building a new plant, Mr. Yarnall said the DEQ wants to work with Lafayette but we have to work as best we can while we are building the plant. Also, in answer to Ms. Mitchell, Mr. Yarnall said the current lagoons are below the 100-year flood elevation. He said gravity is the reason for recommending the proposed site. Bob Willoughby said if we build on the industrial site, we would have to build an expensive pump system and would lose our only industrial property in the city. John Yarnall also said the existing sewer lagoons would be good for a park because it would not need permanent buildings.

Lynn Calkins, 263/241 3<sup>rd</sup> St., spoke for the local businesses. She said they all would like sewage rates based on water usage. She also spoke for the elderly and said their water usage is small and she felt they should not have to pay as high a sewer rate as a family.

Orla Currie, 849 Jackson St., asked why we can't get a 25 year bond instead of a 20 year bond. She felt that would keep the payments lower.

Phil Lieberman explained that with a 25 year bond you are taking the risk that the plant will last that long. If you have to build a new plant in 20 years, you would still be paying on the old bond as well.

Jerry Overgard said in 1985 Carlton built a wastewater treatment plant. He said their loan was for 30 years. Carlton is having to replace their plant now and still owe another 15 years on their existing one.

Andrew Stamp, 1211 SW 5<sup>th</sup> in Portland, an attorney representing Lafayette Plantation said he believes there are other solutions to the city's sewer problem. He said his consultants have told him our plant could be built for a lot less money. He also said Lafayette has an "I & I" problem. Mr. Stamp said he felt that the city should use the industrial area for a new sewer plant and recommended that the city get a second opinion from another engineer. Councilor Cullen asked what I & I is. Mr. Stamp said that is when pipes leak. In the winter there is twice as much water going into the sewer treatment plant because of the leakage. Mr. Stamp gave the council information on a cheaper sewer plant system being used in Florida.

Bob Willoughby asked John Yarnall if "I & I" is our problem. John Yarnall said if we replaced all our pipes, we would still be out of compliance. Mr. Yarnall said it would be far more expensive to replace our collection system than to size the new treatment plant to handle any "I and I".

Paul Elsner said the city is already putting a new utility facility in agricultural land. He said putting a sewer plant on EFU land would be as difficult as drilling wells there and would probably be opposed by farmers.

Bob Dicksa said different types of systems aren't necessarily approved in Oregon. He said what the city's engineers have recommended are conventional systems allowed by our state. He said the "alternate" system suggested by Mr. Stamp may not be approved and would have to be submitted for formal review by DEQ.

Bob Willoughby said an NPV notice from the DEQ is about to be delivered. He said if we are working with the DEQ ON an MAO they will negotiate realistic and achievable "interim standards". Mr. Willoughby talked about Carol Paddock's letter (in the packet) and said Council has the City Planner's response. John Yarnall responded to her letter also.

Mayor Theresa Syphers closed the public comment part of the Hearing at 8:55 PM.

*Ron Harris moved and Jackie Carpenter seconded to take a 5 minute break at 8:55 PM.  
Mayor Syphers called the meeting back to order at 9:00 PM.*

Mayor Theresa Syphers opened the Hearing for Council deliberation at 9:00 PM.

Bob Cullen addressed the four most recent violations. He also thanked Mr. Dicksa and Mr. Hamlin for giving their time to represent the DEQ. Councilor Cullen asked how many of the violations were based on the fact that the existing plant was not designed to comply with phosphorus limitations and were the violations a combination of rule changes and capacity. Jerry Minor answered the questions. Councilor Kappes asked if the new plant could be expanded in the future. Jerry Minor said "yes" it could. Councilor Cullen asked Mr. Overgard if any cities have ever pooled their resources to go after the government for help with their sewer problems. Jerry Overgard said he doesn't know if anyone has gone to the government. He said it is not that case with water. He said Lafayette and Dayton have a unique thing going with their water systems.

Bob Willoughby said we do have Congressmen, such as Senator Wyden, working in behalf of small cities. He said he thinks there has been a lot of conversation at State and Federal levels about the need for more grant money.

Jackie Carpenter asked if any of the violations were due to the fact that a blower recently broke down. Boots said "yes". She said her "critters" need air. Bob Willoughby said he hoped that people didn't think that this question and the answer imply that if we fix the blower, that this repair solves all our problems. He said even with the new blower, our problems are not solved. Our poant is operating so close to the margin that if any of the old parts break down, which is likely to happen, we are thrown out of compliance.

Jackie Carpenter said Option #8 is her recommendation for financing the construction of a new sewer plant. She said she did a survey of nine people and they all felt the metered rate is best. She said the Option #8 reserve for a new plant in year 2019 look best to her.

Ron Harris asked aout the leakage in the pipes. John Yarnall said existing trunk lines would have to be replaced in older areas. Councilor Harris asked if the money going towards a new sewer plant includes the collection system. John Yarnall recommended an ongoing "I & I" program and said this is built into Options # 4 & 8. Councilor Harris said he doesn't want to put in a new sewer system and then find out we need more money to put in new sewer lines.

Terry Yarbrough asked about the importance of temperatures. Boots and Paul Elsner explained the warmer the water, the less oxygen it holds for the bacteria to survive. The other temperature is how warm the water is when dumping into the river.

John Miller asked Phil Lieberman to explain Option #8. He wanted to know what months of water usage would be used to decide the sewer rate. Mr. Lieberman said he suggests December through February. Bob Willoughby said there are risks with #8 and we have to have "x" amount of dollars to pay for the sewer plant. Phil Lieberman said if you are a small household subsidizing a home with a family, he thought that "this was not a bad thing". John Miller said the plant we will be getting is going to be twice as big as the one we have now. He said we need to save our industrial area. He said we have to stop "patching" and get the job done now for our next generation.

Jackie Carpenter asked that if we chose Option #8 and we don't get the revenues or the loan and grant money we need, will the council be asked to raise the sewer rates at a later time? Mr. Willoughby said "yes".

Mayor Syphers said the average household uses 950 cu. ft. (or 750 cu.ft. with conservation) of water per month. She said that would average sewer payments of \$44.00 per month and she wanted to know if that would be sufficient. Phil Lieberman said "no"; it would eliminate any reserves.

Mayor Syphers said she has a meeting with YCAP the next day to help get a program started to help soften the burden of raising rates for low income families.

At 9:50 PM Councilor Cullen said if we are done with the technical part of the hearing, the engineers and the gentlemen from the DEQ might like to leave. Bob Willoughby thanked them for attending this meeting and they left at 9:55 PM.

Jackie Carpenter moved to accept Option #8 of the Sewer Plant Financing & Construction Options. Bob Cullen seconded the motion. Mayor Syphers asked for comments. Russell Kappes said he felt the city needs a flat rate. He said the council needs to think about the city and give the city something to plan on for the future. Councilor Cullen said Option #8 should make the citizens think more about conservation. Ron Harris agreed with Councilor Cullen. Councilor Yarbrough said #8 makes most sense to him. Councilor Miller said he feels Option #8 is irresponsible and is only a "patch". The mayor then called for the vote John Miller and Russell Kappes said "No". Ron Harris, Jackie Carpenter, Terry Yarbrough and Bob Cullen said "Yes". The motion passed 4 to 2.

John Miller then announced his resignation from the council at 10:00 PM. Terry Yarbrough moved to accept John Miller's resignation. Ron Harris seconded the motion. The motion passed unanimously.

**5. Joint PUBLIC HEARING: Application for Water/Wastewater Grant and Loan (Sewer Project) and**

**6. Joint PUBLIC HEARING: CDBG Grant Application**

Mayor Theresa Syphers opened the Joint Public Hearing at 10:05 PM

Jerry Overgard, from the Council of Governments, said it was appropriate to combine these two hearings and explained the application for Water/wastewater Grant and Loan and the Community Development Block Grant application. Mr. Overgard said the purpose of the hearing was to get citizen and council views and input. Kim Schweiger, Water St., asked if the city is guaranteed to get these Grants. Bob Willoughby said he believes we have a very good chance but no guarantees. Jerry Overgard said he would be surprised if we do not get them but he agreed there is no guarantee.

There were no more questions from the public so Mayor Syphers closed the public hearing and asked for council deliberation at 10:12 PM.

Terry Yarbrough asked if there is a cost to the city to apply for these grants and loans. Mr. Overgard said the COG gives this assistance as part of our membership fees.

Paul Elsner said council needs a resolution to change the sewer rates. He said he will draw one up to be presented at the January 27<sup>th</sup> city council meeting.

Phil Lieberman recommended considering cafes, taverns, and the school as a "business". He also recommended having the new rates effective as of January 20, 2000. He handed out a proposed rate for cafes, taverns and schools.

Bob Cullen moved to give Mayor Theresa Syphers and Bob Willoughby permission to sign the two applications. He said this motion includes accepting Phil's recommendations for the new "business rates". Ron Harris seconded the motion. The motion passed unanimously.

Jerry Overgard asked what the new median sewer rate will be. Phil Lieberman said it will be \$53.00 per month.

**7. Year 2000 Council Photo**


Bob Willoughby took a group picture of the city council and Mayor Syphers for the year 2000.

**8. ADJOURN:**

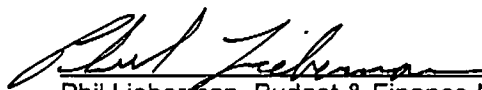
Jackie Carpenter moved to adjourn. Ron Harris seconded the motion. The motion passed unanimously. The meeting was adjourned at 10:20 PM.

Minutes approved on this 27th day of January, 2000.

**APPROVED:**

  
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Mayor Theresa Syphers

**ATTESTED:**

  
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Phil Lieberman, Budget & Finance Mgr. for  
Robert S. Willoughby, City Administrator