

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES**

October 1, 2012

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Proclamation/Presentation/Recognition 1. Benton County Local Option Levy Renewal 2. Pink Week – October 8-14, 2012 3. Oregon Days of Culture – October 1-8, 2012 4. FEMA Award 5. Willamette Park Picnic Shelter Project Pages 431-433	 Yes Yes		<ul style="list-style-type: none"> • Supported ballot measure <u>passed U</u> • Proclaimed • Proclaimed
Visitors' Propositions 1. Corvallis Rural Fire Protection District (Conder) 2. Liberty Square (Ranzoni) 3. Neighborhood Safety/Student Parties (Ellis) 4. TMDL Regulation Compliance (Frenkel, Benner, Hays, Eckert) 5. Development Regulations (Hess) 6. Development Plan Revisions (Morré) Pages 433-438	 Yes Yes Yes Yes Yes Yes		
Consent Agenda Pages 438-439			
Items of HSC Meeting of September 18, 2012 1. Rental Housing Program Annual Report 2. Cold-Weather Shelter Location Pages 439-440	 Yes		<ul style="list-style-type: none"> • Accepted Report <u>passed U</u>
Items of ASC Meeting of September 19, 2012 1. Fourth Quarter Operating Report Page 440			<ul style="list-style-type: none"> • Accepted Report <u>passed U</u>
Items of USC Meeting of September 20, 2012 1. Total Maximum Daily Load Update 2. Council Policy Review and Recommendation: CP 95-7.12, "Integrated Vegetation Pest Management (IVPM) Program" Pages 440-442			<ul style="list-style-type: none"> • Further vet TTGC option <u>passed 8-1</u> • Affirmed Policy, amended IVPM Guidelines, directed updates <u>passed U</u>

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Mayor's Reports 1. LOC Conference and CCIS Safety Award Pages 442-443	Yes		
Council Reports 1. Skyline West Emergency Access (Traber) 2. Impacts from OSU's Smoke-Free Initiative (O'Brien) 3. LOC Conference Legislative Committee (Hervey, Manning) Page 443	Yes Yes Yes		
Staff Reports 1. Council Request Follow-Up Report – September 20, 2012 Page 443	Yes		
Executive Session 1. City Manager's Annual Evaluation Pages 443-444	Yes		

Glossary of Terms

- ASC Administrative Services Committee
- CCIS City County Insurance Services
- FEMA Federal Emergency Management Agency
- HSC Human Services Committee
- LOC League of Oregon Cities
- OSU Oregon State University
- TMDL Total Maximum Daily Load
- TTGC Trysting Tree Golf Course
- U Unanimous
- USC Urban Services Committee

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I. CALL TO ORDER

The regular meeting of the City Council of the City of Corvallis, Oregon, was called to order at 6:02 pm on October 1, 2012, in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Manning presiding.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

PRESENT: Mayor Manning, Councilors Raymond, Hirsch, Hervey (7:22), Beilstein, Hogg, Brown, Traber, Brauner, O'Brien

Mayor Manning directed Councilors' attention to items at their places, including information regarding Benton County November 2012 ballot measure 02-79 (Attachment A), information about the proposed Willamette Park shelter project (Attachment B), an announcement of Local Eats Week October 22-28 (Attachment C), and testimony concerning the City's total maximum daily load (TMDL) requirement compliance project (Attachments D and E).

IV. PROCLAMATION / PRESENTATION / RECOGNITION

A. Benton County local option levy renewal presentation (Dixon/Simpson)

Benton County Board of Commissioners Chair Dixon referenced information outlining the five-year Benton County levy approved by voters in 2007. The levy is on the ballot in November for renewal at the same rate. Only once during the five-year levy period did the County assess the full 90-cent rate approved by voters. The County assessed taxes based upon the Federal forest payments received; however, the forest payments ceased. He reviewed the services funded by the levy.

Benton County Sheriff Simpson noted that much of the levy-funded services involved public safety, the District Attorney's office, and the Juvenile Department. The program of renting 40 jail beds in nearby counties was a significant part of the levy. The program was previously funded by a separate levy and was repeatedly renewed during the past several years; the program was part of the current levy effort. She acknowledged that every aspect of the levy was very important. She explained that Benton County had the smallest jail per capita in Oregon, even with the rented jail beds; this constrained all law enforcement services in the County.

Commissioner Dixon asked the Council to endorse the Benton County levy ballot measure.

Councilors Brauner and Hirsch, respectively, moved and seconded to support Benton County Ballot Measure 02-79 on the November 2012 ballot.

Councilor Brauner opined that the levy would provide important services to all Corvallis and Benton County residents and the City's Police force; the levy was not simply a County issue. If voters defeated the levy; serious service reductions would be made. He encouraged Councilors to support the motion.

The motion passed unanimously.

Mayor Manning welcomed to the meeting City Council candidates Penny York (Ward 1), Steve Redman (Ward 6), Bruce Sorte (Ward 7), and Paul Woods (Ward 7).

B. Proclamation of Pink Week – October 8-14, 2012

Mayor Manning read the proclamation.

Judy Corwin of The Corvallis Clinic, PC, and The Corvallis Clinic Foundation acknowledged members of The Clinic's committees working on Pink Week events. The Clinic staff will take the proclamation to all Pink Week events. She cited 2.5 million breast cancer survivors in the United States, thanks to programs such as those provided by The Clinic and Samaritan Health Services. While breast cancer cannot be prevented, events such as Pink Week can increase people's awareness, education, and detection of the disease and raise funds to for treatment and support services. She announced two events for the week: Puttin' on the Pink Education Day October 10 and Puttin' on the Pink Style Show October 13. She urged everyone to wear pink during Pink Week.

C. Proclamation of Oregon Days of Culture – October 1-8, 2012

Mayor Manning noted that the community was rich in arts and culture with many talented people and organizations supporting culture and the arts. She read the proclamation.

Ella Rhoades of the Benton County Cultural Coalition spoke of the benefits of Oregon's culture and the composition and work of the County's Coalition.

Patricia Daniels of the City's Arts and Culture Commission announced the second annual arts and culture networking event October 16 and reviewed other upcoming events.

(Councilor Hervey arrived during Ms. Daniels' presentation.)

David Huff of the City's Arts and Culture Commission noted that 2013 was designated as "Year of Culture," celebrating milestone anniversaries of several events and facilities in Corvallis. He said Corvallis will be promoted as a regional hub for arts and culture. He reviewed plans for 2013 community events and goals.

D. FEMA recognition of Corvallis as CRS Class 6 Community (Currin)

George Currin of the Federal Emergency Management Agency (FEMA) noted that 21 years ago FEMA began the Community Rating System (CRS) program, modeled after the fire rating system. Corvallis entered the CRS October 1, 1991. He reviewed the City's accomplishments and continuing activities, which reduced by 20 percent the flood insurance

premium rates of Corvallis property owners within floodplains. The City saved funds for maintenance and flood recovery because of proactive measures. Corvallis had the second-best rating in Oregon. He presented Mayor Manning with a plaque commemorating the City's status.

Mayor Manning recognized Public Works Department staff's efforts that contributed to the City's emergency preparedness.

Public Works Director Steckel recognized Engineering Supervisor McConnell as the person who worked with FEMA and coordinated many of the City's emergency-preparedness efforts. She noted that Public Works, Parks and Recreation, and Community Development Departments worked together for the community's safety.

E. Willamette Park picnic shelter project (Eckroth)

Parks Planner Rochefort referenced the collaborative effort involving Parks and Recreation Department staff and all of the Corvallis and Philomath Rotary Clubs. She explained that the Willamette Park (WP) picnic shelter was burned by vandals during 2000. The City received value insurance, not replacement insurance, for the structure, giving the City a small amount of funds to invest in a new shelter. The City did not have funds to construct a replacement shelter. Staff updated the WP Master Plan and applied for a Willamette River (WR) Greenway permit; both processes elicited community requests for a nice shelter in the Park. Staff will follow the City's facility naming process for the new shelter.

Lee Eckroth of the Greater Corvallis Rotary Club reviewed that, two years ago, Corvallis and Philomath Rotary clubs and the Benton County Foundation met to develop a new WP picnic shelter. The current shelter (a carport) was erected during 2000 as a "temporary" structure after the fire. The new shelter would be set back from the current site because of floodplain and riparian issues. The Rotary clubs hoped to raise all of the \$150,000 needed for the new shelter by December 31 and to complete the project by July 2013. Parks and Recreation Department staff is managing the project, the Rotary clubs are soliciting funds, and the Benton County Foundation is sponsoring the project and serving as the fiscal agent. Donations to the project are 100 percent tax deductible. He reviewed the shelter amenities and noted that engraveable pavers for the shelter may be purchased for \$100 and \$250 donations.

Councilor Raymond commended the parties for the fund-raising and collaborative efforts.

Councilor Traber commended Mr. Eckroth for coordinating the Rotary clubs on the project.

V. VISITORS' PROPOSITIONS

Bob Conder, Secretary of the Corvallis Rural Fire Protection District (CRFPD) Board of Directors, referenced his testimony to the Council last August regarding the closure of Scott Zimbrick Memorial Fire Station No. 5. He cautioned that the City was in danger of losing \$1.2 million in revenue under its contract with the CRFPD for fire services and access to four new vehicles being purchased by the CRFPD. The CRFPD will seek property in the Oak Creek area for a new fire

station for the District's use. When the contract is due for renewal, the District will seek a reduction of contract fees to offset its efforts to set up a fire station.

Mr. Conder asserted that Skyline West residents lost protection with the closure of Fire Station No. 5. The District serves the Oak Creek area, whose residents lost the access to their homes provided by Fire Station No. 5. An Oak Creek area resident told him that, prior to the opening of Fire Station No. 5, a neighbor's house burned to the ground because Fire Department staff could not arrive within five minutes. He explained that it was determined within the first two to five minutes whether a fire would consume a structure. Curtailing fire services from Fire Station No. 5 severely impacted the safety and security of residents in the Skyline West and Oak Creek areas. He will continue updating the Council regarding the CRFPD's efforts to develop its fire protection services and the resulting loss of income to the City.

In response to Councilor Traber's inquiry, Mr. Conder said the CRFPD Board of Directors spoke with Fire Chief Emery regarding the opportunities for the District to staff Fire Station No. 5 as one of its facilities. Many issues were being discussed. He wanted the Council to be aware of the District's plans to seek property in the Oak Creek area and its review of options to collaborate with other fire services. He did not expect final action to occur for approximately one year.

Councilor Traber questioned the fiscal prudence of constructing another fire station when one was available.

Mr. Conder acknowledged various obstacles to the CRFPD staffing Fire Station No. 5.

Janet Ranzoni, President of the Corvallis Garden Club, expressed frustration with a situation involving Liberty Square, which the Club adopted in 2008. In 1976 the Club purchased a Red Oak tree propagated from a historic tree on Boston Commons; the Club planted the tree and gave the City a certificate of authenticity. During 2008, the tree was removed after losing a large limb. The Club assumed responsibility for the Square and submitted a proposal, which City staff accepted. The Club meets twice annually to work on the "dry" park. The Club worked on the site June 23; and during the subsequent week, plants died after a City staff member applied herbicides to the site. Ms. Ranzoni met with the Citizens Advisory Commission on Civic Beautification and Urban Forestry and was told that the Club needed an agreement with the City, which she obtained. She opined that the agreement did not delineate responsibilities or indicate that City staff would exercise due care of the site. She asked how the situation and communication problems could be resolved.

Councilor Brauner asked that the issue be investigated by City Manager Patterson with a follow-up report to the Council.

Charlyn Ellis described a safety situation in her neighborhood which she believed was adversely affected by recent developments of rental properties primarily occupied by students. Recently, she observed a "flash mob" party, with 15 to 20 people at a house shortly after 10:00 pm. She checked the rest of the block for activity before speaking with the people; however, 15 minutes later, at least 100 people were at the house. She said vehicles were parked in the street and people yelled party addresses to each other. She said large groups of large, seemingly aggressive men approached the house. She was unable to get close enough to see the house numbers and called for Police, who handled the situation. She said she could have approached a group of 15 people about the noise; however, the group increased in number almost ten-fold in a few minutes, which unnerved her.

Ms. Ellis is a member of the Oregon State University (OSU)/City Collaboration Project (Collaboration) Neighborhood Livability Work Group. Police Chief Sassaman spoke to the Group regarding Police procedures and ordinance changes. The Group asked Chief Sassaman whether the recently built student housing developments impacted Police officers' ability to maintain peace. Chief Sassaman told the Group that an assault in a student housing development often has no sober witness to explain what happened, making Police work difficult. She expressed concern about the increase in student housing in her neighborhood, characterizing them as unsupervised dormitories with no sober witnesses. She believed the open overhead balconies encouraged unruly drinking parties. She said Corvallis residents were responsible when something was wrong, but the City had not taken steps to change a residential development design that was known to be problematic.

Mayor Manning acknowledged that the Neighborhood Planning Work Group was reviewing issues related to design and density, which may correlate with the Neighborhood Livability Work Group's discussions. The Work Groups' discussions validate that the situation Ms. Ellis described was an important issue in the community.

Liz Frenkel read written testimony regarding the City's efforts to comply with TMDL regulations issued by the Environmental Protection Agency (EPA) (Attachment F).

Councilor Hervey asked Ms. Frenkel to elaborate on her reference to potential revenue from developing the North Alternative site for the wastewater treatment facility.

Ms. Frenkel said the North Alternative site could be developed as a tourist attraction, although this could take some time. The North Alternative could be developed into an attraction similar to the Talking Water Gardens (TWG) development in Albany, Oregon. People told her that the TMDL project was "too big to fail," which angered her, as she did not consider any project too big to fail. She urged the Council to consider what failure might mean.

Patricia Benner submitted to the record a color version of her earlier PowerPoint presentation to Urban Services Committee regarding the TMDL project (Attachment G). She reviewed written testimony concerning the project and a comparison of the ONA and North Alternative sites (Attachment H). She expressed support for a "green" solution but concern regarding the proximity of the proposed East Alternative project to the WR channel and its location within the ten-year floodplain. The proposed facility was intended to remove additional pollutants from the wastewater effluent.

Phillip Hays reviewed written testimony regarding the TMDL project (Attachment E). He opined that the ONA site was the worst possible option, and the North Alternative/Bean Field site was a better option.

Dave Eckert reviewed written testimony regarding the TMDL project, specifically a suggested motion authorizing expenditure of funds for additional research (Attachment D). He urged the Council to be very specific in wording its motion tonight.

Jeff Hess referenced a previous presentation to the Council by members of the Avery Addition Neighborhood Association regarding a development on SW 11th Street. He said the presentation demonstrated a repeated willingness by developers to utilize clauses within the Land Development Code (LDC) without regard for the intent of the LDC or the Comprehensive Plan. Subsequent to

the presentation, the neighborhood was told by Mayor Manning and staff that, regardless of community input or stated Comprehensive Plan requirements, the City's position was to judge a developer's application based solely on the objective statements of the LDC. He asserted that this process placed the interests of developers ahead of the interests of the community. Neighbors protested at the development site; and the developer responded that the application was approved by the City, implying that any consideration for the impact on the neighborhood, community, or the City was considered by the City prior to approving the application. This leaves developers unaware that, based upon the City's method of LDC implementation, community members must rely solely on the developers' good intent and consideration of community livability. Apparently, the developer, like the community, assumed that the City was looking out for the community's interest. He would like the Council to adopt a formal statement to developers and the community, formally recognizing that developers, while within the constraints of the LDC, are able to re-define the community in a way that is outside the intent of the LDC and the requirements of the Comprehensive Plan. This can have major negative impacts on neighborhood livability. If the Council would not craft the statement, he would prefer that the misleading Comprehensive Plan provisions be removed so Corvallis residents have a realistic guide for reference regarding neighborhood development risks. As the Comprehensive Plan is currently written, citizens may expect that their neighborhoods are protected from the types of developments currently occurring.

Councilor Raymond asked that Mr. Hess' concerns be investigated, as more people were testifying regarding how new developments were not compatible with their neighborhoods.

Mr. Hess confirmed that he would present his concerns to the Collaboration Neighborhood Planning Work Group meeting. He asserted that the process had fundamental flaws that developers were utilizing.

Mayor Manning noted that the Collaboration Neighborhood Planning Work Group was reviewing the issues Mr. Hess outlined related to in-fill, design standards, and recommendations to the Collaboration Steering Committee and Council.

Councilor Raymond referenced the amount of time needed to forward an issue through a Collaboration Work Group and Steering Committee to the Council. In the meantime, multi-story, multi-unit rental developments were being built, which she considered a problem.

Councilor Beilstein explained that the *2020 Vision Statement* was the basis for the Comprehensive Plan, from which the LDC provisions were derived. The Comprehensive Plan was updated in 1999, followed by an update of the LDC, which then had to be approved by the State Land Conservation and Development Commission. It was easier to update the LDC. However, once a developer began a project and followed the LDC provisions, the City could not interfere; the City allowed developments that complied with the LDC. He noted that some areas of the community were designated long ago for high-density residential development, primarily to accommodate OSU students. As high-density residential structures were built, conflicts occurred in nearby single-family neighborhoods. Actions other than seeking developer compliance with the LDC could be seen as "stepping outside the law." The City determined what developments were allowable but did not direct development.

Councilor Hervey explained that the Committee for Citizen Involvement was responsible, under State planning rules, to inform citizens of land use processes. People seemed interested in land use

processes only when a controversial development was being considered. He suggested that the Committee become involved with the Collaboration and citizens to find ways the Committee could assist.

Councilor Raymond opined that developers were getting around legal requirements by making concessions or getting variances from LDC requirements. She urged the Council to consider development requirements, what was allowed, and whether the City was requiring developers to adhere to development requirements. Citizens should know LDC provisions and attend land use meetings.

Councilor Brown acknowledged Mr. Hess' concerns and opined that the Council was responsible for eliminating mistakes made in previous translations of the Comprehensive Plan into the LDC. Any mistakes in the LDC should be corrected by the Council.

Councilor Hogg noted that Mr. Hess represented many neighborhood residents who were frustrated that the City seemed to assist developers with creative means of complying with LDC provisions, rather than supporting conservative approaches that would support neighborhood residents. He opined that this situation occurred throughout the community.

Mr. Patterson referenced the importance of addressing LDC loopholes. He did not believe it was productive to question interpretations of the law and suggested that a better approach would involve working together to resolve the apparent misunderstandings. He noted that it may take longer than people would like to resolve the issues. Many developers expressed to him their views that staff's decisions sided with neighborhood residents.

Mayor Manning said she and Community Development Director Gibb met with Mr. Hess and other neighborhood residents to discuss a development under construction. The development issues cited from throughout the community were a high priority and were reflected in Council goals concerning work with OSU. It would be beneficial for the Collaboration work groups to hear about problems such as Mr. Hess described so they could be addressed in the groups' ultimate recommendations to the Council.

Councilor Brauner noted that LDC provisions could not be changed for current developments, which must adhere to the requirements in effect when they were approved. He surmised that presenting concerns to the Collaboration work groups would expedite resolution as much as possible. The Council established the Collaboration as a priority and will receive recommendations from the Collaboration Steering Committee as they are ready. There were more than 100 LDC update issues awaiting Council review. The Collaboration could get issues to the Council earlier. He suggested that staff review each development for LDC provision loopholes, close the loopholes, and do what was best for the community.

Mr. Hess noted that developers could seek variances from LDC requirements so their projects were approved. He said residents had no similar process to address issues for projects that met LDC requirements but not Comprehensive Plan policies. He opined that developing such a process, rather than closing LDC loopholes, would be more comprehensive and better than continuing with the current process.

Susan Morré re-submitted her testimony from the September 17 Council meeting with notations (Attachment I), based upon the notation that her presentation was for information only. She said she made specific requests in her testimony. She referenced Mr. Gibb's September 26 memorandum attached to the September 27 Council Request Follow-up Report regarding her testimony about the Oakmont/Brooklane Heights development projects. She said that, in her earlier testimony, she specifically said her concerns were not limited to any project and related broadly to development throughout the community. She was concerned that plans approved in the public forum could be revised through a revision process that staff indicated was common practice. She opined that "common practice" did not serve the community or its citizens well and may not comply with all applicable codes. She asked that projects and plans approved at public hearings be the same plans implemented and that ongoing plan revisions not be reviewed only by staff and approved, as that seemed to be a violation of public trust.

Councilor Hervey related his experience from the developer's perspective on a development and explained that it was expensive to revise plans and submit them for approval. He said some plan revisions could be approved via an administrative process. He asked Ms. Morré to advise the Council of any processes she believed were not followed. He opined that not allowing plan revisions was unfair to developers.

Ms. Morré expressed hope that the LDC loopholes did not allow substantial plan changes. She questioned how much plan revision was allowed.

VI. CONSENT AGENDA

Councilors Brauner and O'Brien, respectively, moved and seconded to adopt the Consent Agenda as follows:

- A. Reading of Minutes
 1. City Council Meeting – September 17, 2012
 2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Citizens Advisory Commission on Civic Beautification and Urban Forestry – September 13, 2012
 - b. Commission for Martin Luther King, Jr. – June 26 and August 28, 2012
 - c. Economic Development Commission – August 15, 2012
 - d. Historic Resources Commission – August 14, 2012
 - e. Parks, Natural Areas, and Recreation Board – August 23, 2012
 - f. Planning Commission – September 5, 2012
- B. Announcement of Vacancies on Advisory Boards, Commissions, and Committees (Airport Commission – Remcho; Committee for Citizen Involvement – Foster)
- C. Announcement of Appointments to Advisory Boards, Commission, and Committees (Airport Commission – Warrick; Downtown Commission – Foster; Parks, Natural Areas, and Recreation Board – Baur)
- D. Approval of a permit to occupy the public right-of-way (Northwest Housing Alternatives, Inc.)

- E. Authorization for City Manager to execute right-of-way dedication (NE Conser Street)
- F. Authorization to enter into and for City Manager to sign an Intergovernmental Agreement with Multnomah County Library for Corvallis-Benton County Public Library's annual staff in-service day
- G. Schedule an Executive Session for October 15, 2012, at 5:30 pm or following the regular meeting under ORS 192.660(2)(d)(I) (status of labor negotiations; status of employment-related performance)
- H. Confirmation of an Executive Session following the regular meeting under ORS 192.660(2)(I) (status of employment-related performance)

The motion passed unanimously.

VII. ITEMS REMOVED FROM CONSENT AGENDA – None.

VIII. UNFINISHED BUSINESS – None.

IX. STANDING COMMITTEE REPORTS AND ORDINANCES, RESOLUTIONS, AND MOTIONS

A. Human Services Committee – September 18, 2012

1. Rental Housing Program Annual Report

Councilor Raymond commended Housing Program Specialist Loewen for his efforts to enforce the City's Rental Housing Code. She reported that most rental housing issues reported to Community Development Department Housing Division staff involved weatherization, plumbing, smoke and carbon monoxide detectors, windows, and door locks. Reported issues were successfully resolved, and only three were addressed through the enforcement process. All landlords pay a fee of \$11 per unit to fund the program; the fee is increased \$1 every two years.

Councilors Raymond and Beilstein, respectively, moved and seconded to accept the Rental Housing Program annual report for Fiscal Year 2011-2012. The motion passed unanimously.

Councilor Raymond reported that the Corvallis Homeless Shelter Coalition was seeking a location for this winter's cold-weather shelter. The shelter typically accommodates 40 to 44 men overnight between mid-November and mid-March.

Councilor Hervey said he volunteers at the cold-weather shelter and recalled that, when the former fraternity house was utilized as the shelter, the kitchen area was not accessible. He expressed doubt that West Side Community Church, which housed the shelter the last few years, granted access to a kitchen or a television room. He did not want shelter criteria so rigid that possible locations were not considered. He noted that separate smoking areas were typically outside.

Councilor Raymond explained that previous shelters had television rooms; a small kitchen area for snacks; and a fenced, outdoor smoking area. The shelter must be safe from children. She agreed that the criteria should not be too rigid, but the Coalition was seeking options.

Mr. Patterson responded that the amenities of a television room, a kitchen, and a smoking area were presented during his meeting with Coalition leadership. During discussions to consider Scott Zimbrick Memorial Fire Station No. 5 for the shelter, staff considered the lack of a kitchen and a television room and then considered placing modular units at the Station; however, that option would not comply with land use regulations.

B. Administrative Services Committee – September 19, 2012

1. Fourth Quarter Operating Report

Councilor Traber reported that the property tax fund balances at fiscal year-end were \$1.3 million higher than was anticipated. The positive balance was primarily a result of staff actions in preparation for the new fiscal year, such as not filling vacancies or delaying hiring employees. Staff recommended that 75 percent of the \$1.3 million be used to build reserves to 50 percent of the target level and that 25 percent of the \$1.3 million be available for a one-time expense for an information technology project.

Councilors Traber and O'Brien, respectively, moved and seconded to accept the fourth quarter operating report for Fiscal Year 2011-2012. The motion passed unanimously.

C. Urban Services Committee – September 20, 2012

1. Total Maximum Daily Load (TMDL) Update

Councilor Hogg explained that the City was mandated to reduce the temperature of treated wastewater it discharges into the Willamette River. Other cities were issued similar mandates. Staff was investigating where to construct holding ponds to allow the water to cool naturally before it entered the River. Developing the ponds at Orleans Natural Area (ONA) would conflict with the Master Plan for the site. Staff must determine whether developing the ponds at Trysting Tree Golf Course (TTGC) was a feasible option.

Councilors Hogg and Brauner, respectively, moved and seconded to direct staff and the City's consultant to further vet the Trysting Tree Golf Course option of the Total Maximum Daily Load requirement compliance solution by completing Tasks 1.1, 1.2, and 1.3 of the Labor Hours and Budget matrix.

Councilor Raymond opined that it would be prudent to include the North Alternative in the review. If the ONA and TTGC options were deemed not available, the City should have a third option to consider.

Councilor Brauner responded that the motion before the Council was very limited and would involve early investigation of the TTGC site for feasibility. He considered it premature to investigate other options. If the TTGC and ONA sites were deemed not feasible, staff would investigate other options, such as the North Alternative. He believed it was too early to abandon the East Alternative, in which extensive time and funds were invested, to spend time and money researching another option. He noted that the motion was very specific to spend a finite amount of funds to determine whether the East Alternative was feasible. He added that the Committee asked staff to review the triple-bottom-line analysis of the North Alternative and the best aspect of the East Alternative.

Councilor Hirsch expressed satisfaction with the Committee's review of the TMDL project. He inquired about wastewater cooling at TTGC becoming contaminated with pesticides used on the golf course and those chemicals then entering the WR.

Councilor Hogg responded that the study would determine all aspects of the feasibility of the TTGC option. He noted that the Committee met for more than two hours and received extensive testimony, which contributed to the recommendation.

Councilor Brauner noted that ONA and TTGC were subject to strict pesticide-use regulations because of their location within the WR floodplain.

Councilor Hervey concurred with Councilor Brauner. He noted that the Committee had not completed evaluating the ONA site. He cautioned that the City would need a long-term legal agreement with TTGC or OSU for use of the golf course before investing time and resources in developing a wastewater treatment facility on the course. Should TTGC or OSU decide that it did not want the facility on the property, the City would need to respond to continuing wastewater discharge requirements while seeking another treatment solution.

In response to Councilor Beilstein's inquiry, Councilor Brauner clarified that the Committee did not discuss completely re-opening the North Alternative to re-evaluation. Staff would re-calculate the triple-bottom-line analysis of the North Alternative, based upon current information. Some information changed from the earlier analysis.

Mayor Manning recessed the meeting from 8:00 pm until 8:06 pm.

Councilor Traber expressed support for the motion but concern about unanswered questions regarding the North Alternative. He inquired about when the North Alternative might be further investigated.

Councilor Brauner said the Committee would not yet fully re-consider the North Alternative. The Committee had new information regarding the East Alternative that might rank it lower than the North Alternative. He surmised that staff would report on the re-analysis when it reported on its additional investigation of the TTGC site. He would want the re-analysis before the Committee recommended any further action.

Councilor Hervey said he would ask for additional information in its next report, including the cost of the fire tower replacement and future concerns regarding contaminants. The cost information for the East and North Alternatives was very summary in nature, and he would ask for the consultant's detailed cost estimates.

Councilor Raymond noted that, at one time, the Council considered a wastewater treatment facility similar to the TWG. Depending upon the location, the proposed facility may only be holding ponds during summer months. She would like more details in the staff reports, including site location, facility design and amenities, and operational time period.

Councilor Hogg said the proposed project would be similar to the TWG development. First, the location for the facility must be determined. The Committee recommended that funds allocated for the project be invested in more research to determine the location, then the project could be designed.

In response to Councilor Raymond's inquiry, Mr. Hogg said the proposed facility would operate year 'round.

Councilor Brauner noted that Councilor Raymond's questions could be addressed during the upcoming Committee reviews. He added that many issues must be discussed before the Council rendered final decisions about the project.

Councilor O'Brien expressed support for the Committee's work. He did not need the project details yet, knowing that details would be thoroughly investigated. He supported re-allocating \$40,000 for further evaluation of the TTGC site.

The motion passed eight to one with Councilor Raymond opposed.

2. Council Policy Review and Recommendation: CP 95-7.12, "Integrated Vegetation Pest Management (IVPM) Program"

Councilor Hogg reported that staff recommended no changes to the Policy but some minor amendments to the IVPM Guidelines.

Councilors Hogg and Brauner, respectively, moved and seconded to affirm Council Policy CP 95-7.12, "Integrated Vegetation and Pest Management (IVPM) Program," without amendments; amend the IVPM Guidelines incorporated into the Policy, as recommended by staff; and direct staff to update the Council on implementation of the Policy and plan during May 2013 and present the Policy to Urban Services Committee for review during May 2014. The motion passed unanimously.

X. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

Mayor Manning reported that she attended the recent League of Oregon Cities (LOC) annual conference with three City Councilors. During the conference the City received the City

County Insurance Services Silver Safety Award for fostering a healthy workplace. She presented the award to Mr. Patterson.

B. Council Reports

Councilor Traber said the Council Request Follow-up Report answered his question regarding emergency vehicle access into the Skyline West area. He recommended that the Council not take further action until additional information was known.

Councilor O'Brien reported that OSU's Smoke-Free Initiative was impacting SW Western Boulevard in terms of increased trash along the sidewalks. He spoke with the OSU representative responsible for the Initiative and was told that trash receptacles would be added along the street, that the smoking receptacles would be moved from the City sidewalk, and that monitoring would be increased. Several days after the conversation, the problem was not abated; and trash remained on both sides of the street. He encouraged OSU representatives to follow through with promises regarding the trash and smoking receptacles and the increased education of students regarding litter and second-hand smoke.

Councilor Hervey reported that he attended the LOC conference and heard the Legislative Committee's report regarding the tax-structure problems resulting from Oregon Measures 5 and 50 and their impacts on local governments. The Committee reported on its research and what it can do to substantially change the amount of funds the City receives.

Mayor Manning noted that tax reform would be included on the Council's December work session agenda with a presentation by the LOC representative who presented the Legislative Committee report at the conference.

C. Staff Reports

1. Council Request Follow-up Report – September 20, 2012

XI. NEW BUSINESS – None.

XII. PUBLIC HEARINGS – None.

Mayor Manning read a statement, based upon changes in Oregon laws regarding executive sessions. The statement indicated that only representatives of the news media, designated staff, and other Council-designated persons were allowed to attend the executive session. News media representatives were directed not to report on any executive session discussions, except to state the general subject of the discussion, as previously announced. No decisions would be made during the executive session. She reminded Council members and staff that the confidential executive session discussions belonged to the Council as a body and should only be disclosed if the Council, as a body, approved disclosure. She suggested that any Council or staff member who may not be able to maintain the Council's confidences should leave the meeting room.

The Council entered executive session at 8:22 pm.

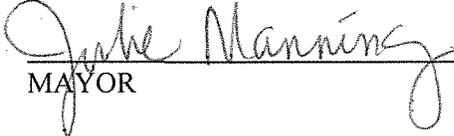
Councilor Hirsch left the meeting at 8:27 pm.

The Council and Mr. Patterson conducted Mr. Patterson's annual performance evaluation.

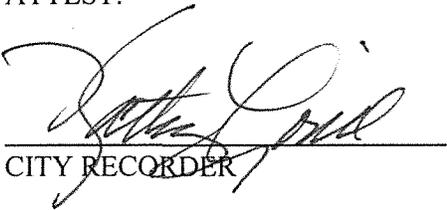
XIII. ADJOURNMENT

The meeting was adjourned at 9:00 pm.

APPROVED:


MAYOR

ATTEST:


CITY RECORDER

Vote YES on Measure 02-79!

Support the Levy Renewal.
Protect Vital Services.
Prevent Harmful Cuts.



Keep Benton County Safe & Healthy

**Support the Levy Renewal.
Protect Vital Services.
Prevent Harmful Cuts.**



Without your support, convicted criminals will have to be let back onto our streets, because funding for jail bed rentals in other counties will be eliminated.

Without your support, hundreds of provable criminal cases won't be prosecuted, because funding for the District Attorney's office will be cut.

Without your support, there won't be 24/7 crime prevention and fastest emergency response, because funding for deputies patrols will be cut.

Without your support, there won't be adequate medical services to help prevent infectious disease outbreaks, or provide mental health, addiction, and children's health services, because funding will be cut.

Don't let this happen here, in this wonderful place we all call home. Keep Benton County a safe and healthy place to live. *Support the levy renewal.*

Vote YES on Measure 02-79!

Citizens
for a
**SAFE & HEALTHY
BENTON COUNTY**
www.renewthelevy.org

*Authorized and paid for by Citizens for a Safe and Healthy Benton County,
a Political Action Committee*

Peter Gelser, *Treasurer* 922 NW Circle Blvd, Suite 160 #299, Corvallis, OR 97330

ATTACHMENT A
Page 444-a



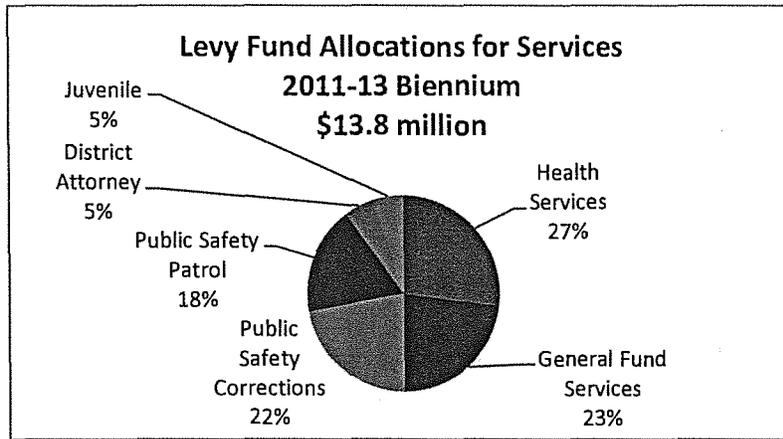
Benton County:

At Your Service

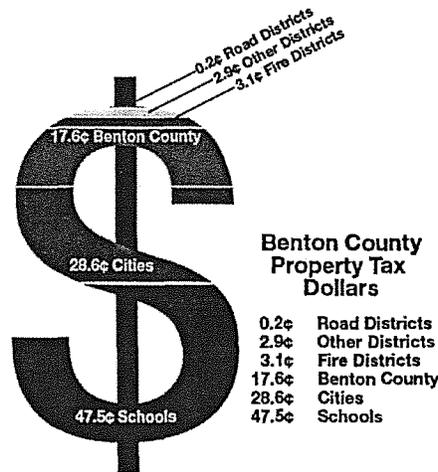
Every Day

2008-13 Local Option Levy Facts

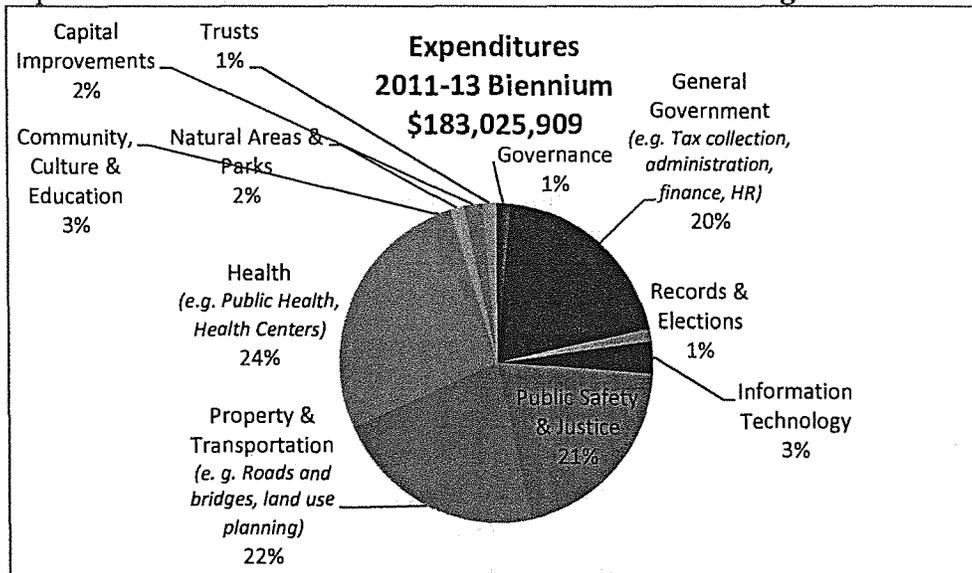
- In November 2007 Benton County voters approved a local option property tax levy of 90 cents per thousand dollars of assessed value to restore county services cut due to the loss of federal forest payments and to continue renting needed jail beds.
- At the time, the federal forest payments were in danger of being discontinued and the Board of Commissioners promised if forest payments were received, the amount levied as part of the local option would be reduced by that amount.
- When four years of declining forest payments were approved by the federal government the Board of Commissioners honored that commitment by offsetting the 90-cent county levy tax rate beginning with the 2009 tax statements. The Commissioners kept that promise by levying the following amounts for each year:
 - 2008: 90 cents
 - 2009: 59 cents
 - 2010: 67 cents
 - 2011: 68 cents
 - 2012: 76 cents
- The Levy funds the following personnel and services:
 - Benton County Sheriff's Office patrol and corrections deputies;
 - Deputy District Attorneys and a Paralegal;
 - Juvenile Counselor and Outreach Specialists;
 - Epidemiology Services;
 - Home Nursing visits;
 - Child Mental Health Counseling;
 - Jail bed rentals in nearby counties and associated staff;
 - Transition Housing Program and associated Parole and Probation officers; and
 - Juvenile Detention Bed rental.
- In the 2011-13 biennium, the Local Option Levy paid for \$13.8 million in services funding Health Services, Public Safety and Corrections, Public Safety Patrols, District Attorney's Office and Juvenile Department programs and services. Levy funds that end up in the General Fund are used to support all services in the General Fund requiring general revenue dollars such as Law Enforcement, District Attorney, Juvenile and Health services as well as other government services such as Elections, Natural Areas and Parks, Assessment and Planning. *(Graphic on following page.)*

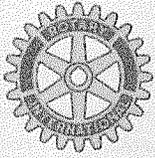


- For the 2011-2012 Fiscal year, for every dollar paid in property taxes, less than 18 cents went toward county services. Here is how the allocations break down:



- County resources are invested primarily in the areas of public safety, health and transportation. Below is a breakdown of the *entire biennial budget*.





Live A Legacy Leave a Legacy



Support the Construction of a Beautiful new Picnic Structure

With a \$100 or \$250 tax deductible donation you can show that special person(s) how much you care by having their name or a special message carved in stone. This personalized concrete paver will be a lasting symbol of your contribution to a community-wide source of pride where future generations will come together for more special memories.

Choose One Paver Size:

8"x8" Engraved Paver - \$100 each \$ _____
 12"x12" Engraved Paver - \$250 each \$ _____
 Other Donation \$ _____
 Total Enclosed \$ _____

Provide the name or your special message below:

Please print text in the spaces provided above. No symbols or logos. Use separate forms for each paver desired.
Note: There is a maximum of 3 lines and no more than 16 letters per line.

Your name: _____ Phone: _____ Email: _____
 Address: _____ City: _____ State: _____ Zip: _____

If this is a gift, please acknowledge to:

Your name: _____ Phone: _____ Email: _____
 Address: _____ City: _____ State: _____ Zip: _____

Please make payment to: *Benton County Foundation*

Please include your check with your order form.

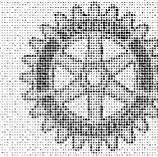
For more information and/or to return this form with payment:

Lee Eckroth, Rotary Club of Greater Corvallis, PO Box 363, Corvallis, OR 97339

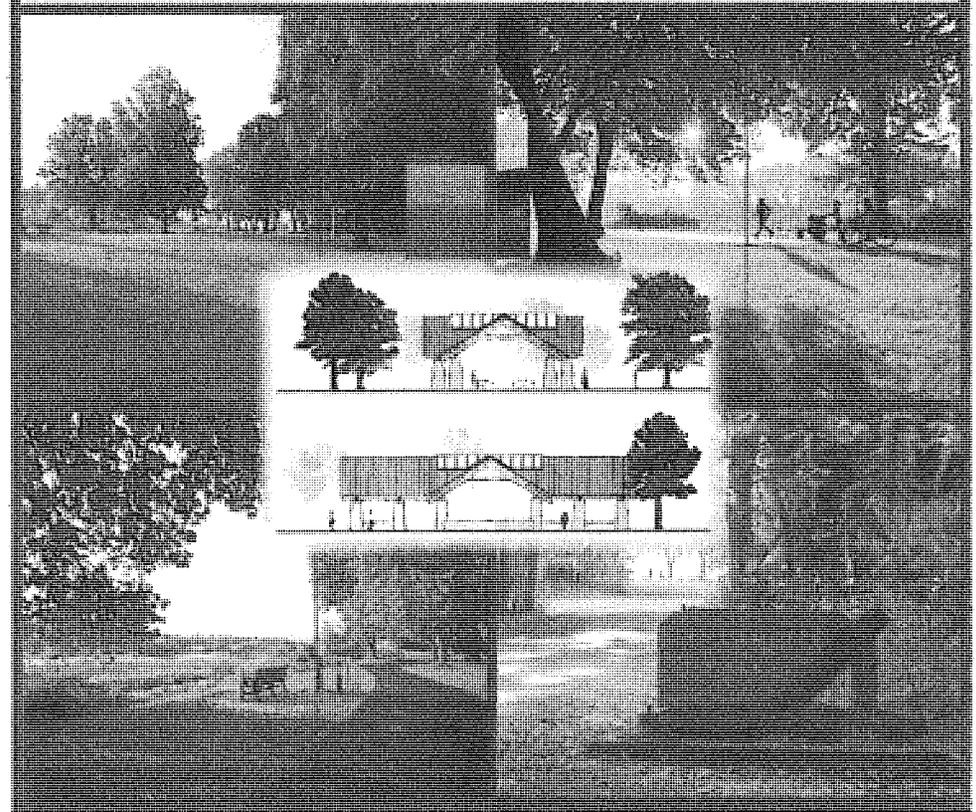
If you would like your order personally picked up within Benton County, call Lee Eckroth at 541-760-4742 or Lee@Talk2Lee.com

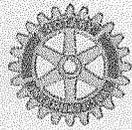
Affiliated with The Benton County Foundation

Pavers will be installed during the construction of the shelter. Rotary, Benton County Foundation and Corvallis Parks and Recreation reserves the right to reject any paver order that is deemed offensive.



Your Once In A Lifetime Opportunity To Be Part Of Beautiful Willamette Park





The Project: A Source of Community Pride at Willamette Park

Willamette Park, the largest urban park in the City of Corvallis, is located along the Willamette River in southeast Corvallis at the end of Goodnight Avenue. The 161-acre park contains significant natural features, open meadows, playing fields, a children's play area and a disc golf course. It also includes a temporary picnic structure that was constructed after a more beautiful structure was destroyed by fire in June of 2000.

The previous Willamette Park shelter was similar in size to other rental shelters within the Corvallis Parks system, accommodating large groups of as many as 100+ people. It was a popular place for weddings, family reunions, graduation parties and more. Corvallis Parks and Recreation Staff installed a modified aluminum parking structure as a temporary replacement until enough money could be raised to construct a new shelter.

In November, 2008, the Corvallis Parks and Recreation department completed a "Big Picture" plan for the future of Willamette Park. The plan included a shelter in the center of Willamette Park. The shelter was designed to accommodate large groups and was considered a high priority item in the phasing plan. The design is similar to the shelters at Silver Falls State Park, east of Salem, and includes 8 picnic tables (4 of which will be ADA), a sink, concrete counter, grills, an extended foundation to use as a stage and more. Let's work together to build a new beautiful picnic structure at one of Corvallis' most breathtaking parks and natural settings. Working together - Rotary, The Benton County Foundation, Corvallis Parks and Recreation and you, we can make it happen.

Your donation will make a difference. Let's build a new community picnic shelter together.

Leave Your Mark On This Community Asset for the Ages

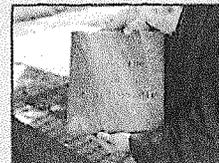
Your local Rotary clubs, along with the Benton County Foundation and Corvallis Parks and Recreation, have come together to make the new picnic shelter at Willamette Park a reality for Corvallis. The new shelter will be built to stand the test of time...and so will your legacy of a contribution to the project with engraved concrete pavers that will be used in the construction of the main floor of the shelter and the ADA pathways leading up to the shelter.

Make a donation for a custom engraved paver that will be used in the construction and will leave your personal message memorialized as part of the new community picnic shelter! By making a tax deductible donation of either \$100 for an 8"x8" paver or \$250 for a 12"x12" paver, you will make a big difference. You can even donate for multiple pavers and have a greater impact. On the back of this flyer is your order form. Please complete the form, along with the message or name you would like included and we will make it happen.

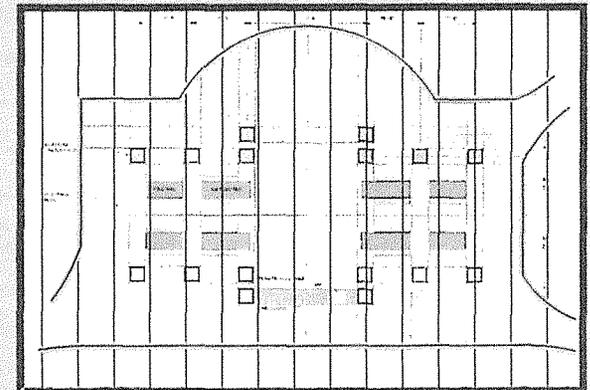
If you would like to make a donation without purchasing a paver - either funds, and/or labor/materials for the project - that is also welcomed and encouraged. This is a project for our community by our community. For more information, please contact Lee Eckroth at 541-760-4742 or Lee@Talk2Lee.com



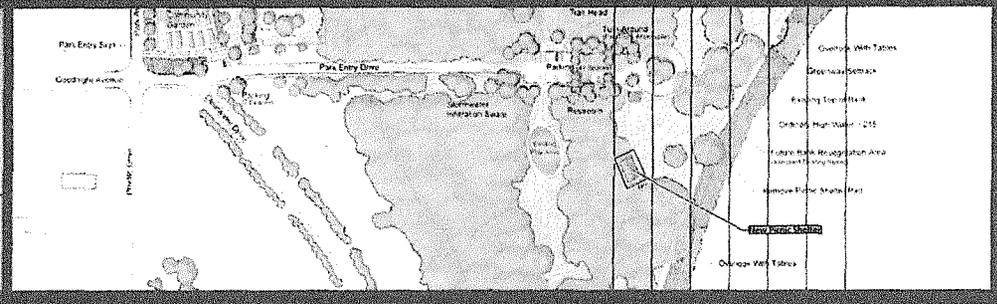
8x8 \$100



12x12 \$250



Picnic shelter foundation and pathways leading to the shelter to incorporate the custom engraved pavers.





LOCAL EATS WEEK

October 22-28th
\$6 "Local 6" small plates at participating restaurants.



www.sustainablecorvallis.org

Savor the flavor
of the valley!

Sponsored by First Alternatives Co-op - A project of the Corvallis Sustainability Coalition

October 1, 2012

TO: Corvallis Mayor and City Council
FROM: Dave Eckert
Subject: TMDL

I recommend that the Council carefully choose the wording of the TMDL-related motion tonight to fully explain the intentions and meaning of the motion. Attached are:

1. The motion and some related discussion from the June 4, 2012 Budget hearing.
2. My questions to staff and staff response to my questions regarding the spending of \$300,000 of the allocated \$691,000 from the 2012-13 budget on feasibility studies for the Orleans Project.
3. My questions to the Finance Director and her responses regarding the spending of these funds and the potential for spending further funding on the Orleans site following tonight's motion.

My concerns are about clarity and credibility. Upon leaving the June 4, 2012 budget hearing, I fully thought that the \$691,000 was placed as available for spending on TMDL, but only after staff appeared at a public hearing before the Urban Services Committee to further discuss the validity of studying the Orleans site versus other alternatives. Others in attendance had the same impression. When the minutes and audio tape of that meeting appeared on the City's website, I studied the wording again and was convinced of the previous conclusion. At the September 20, 2012 Urban Services Committee meeting, the first meeting that staff appeared before the Committee about the TMDL, stated that \$300,000 of the \$691,000 has already been spent.

The answers to the spending questions I had to staff indicated that they interpreted the June 4, 2012 budget motion related to TMDL completely differently than I or other citizens had done. Upon questioning the Finance Director, she supported the staff position on the interpretation and did not answer my question about the potential for further spending on the Orleans site following tonight's motion.

I therefore recommend that if you agree to use some of the remaining dollars from the original \$691,000 for this budget year on Trysting Tree, that your motion includes a statement prohibiting further spending on the Orleans site until after staff reports back to the Urban Services Committee with their findings.

Councilors Brauner and Hervey, respectively, moved and seconded to amend the proposed budget by increasing the expenditure authority for the Public Works Department Wastewater Fund by \$691,000.

Councilor Brauner opined that Finance Department staff found a good means of freeing funding to allow pursuit of the critical TMDL compliance project. He was not certain whether use of the Orleans Natural Area was the best solution, and he expected that other alternatives existed that should be reviewed and might be more desirable or could be

es - June 4, 2012

Page 264

f Corvallis

combined with the suggested solution. If the expenditure authority was not increased in the budget, the City would not have funds available to pursue any other options. Before significant funds are spent, he would like Urban Services Committee to review and investigate the next steps and prepare a recommendation for the Council prior to significantly committing to the Orleans Natural Area portion of the project.

Ms. Brewer clarified for Councilor Hervey that the motion would allow her to take necessary financial actions.

Councilor Raymond commented that, if funds were allocated for a study, it should include other options, such as Mr. Eckert suggested.

The motion to amend passed unanimously.

ATTACHMENT D
Page 444-g

Dave Eckert dialogue with staff regarding TMDL expenditures

Dialogue with Mary Steckel, Director of Public Works. (Steckel response in italics.)

I have some questions and comments from the meeting.

1. **\$390,000 already spent from this year's budget?** My primary concern is whether I heard correctly tonight from Mary Steckel that Public Works has spent \$390,000 of the \$690,000 allocated in this fiscal year's budget from the water fees for feasibility studies at the Orleans site. My hearing is not very good and I need clarification if that is what Director Steckel said. *The amount appropriated for the TMDL feasibility studies at the June 4 Council meeting was about \$691,000. Through the end of September, we estimate that about \$300,000 will have been spent on the Orleans site studies (about \$81,000 actually paid and about \$212,000 in invoices outstanding for work in August and September). Assuming we are at or around \$300,000 expended, that would leave around \$391,000 available for the rest of the work programmed for this fiscal year.*

Weren't those funds sequestered until a Urban Services Committee public hearing? If \$390,000 of this year's allocation has been spent already, my second related question is to Council Brauner regarding his motion at the City Council meeting last spring when those funds were allocated. If my notes are correct, Councilor Brauner's motion was very definitive that those funds were allocated to be set aside for feasibility studies of TMDL solutions, but that the money was not to be spent by staff until they appeared before the Urban Services Committee at a public hearing to define their needs and to have the Committee discuss on which site to spend the money. I was at that Spring Council budget meeting and took good notes. Could Council Brauner and Director Steckel help me to understand if I have failed to understand the process. *Staff has been operating under the direction given by USC at the December 2011 meeting to further explore the Orleans site. With part of that work done and better information in hand, including discussions with PNARB, staff came back to USC with information that the site could work, but there are still some studies to complete and concerns from PNARB and some citizens. To fulfill Council's direction to pursue the feasibility of the Orleans option has cost money and to look into the potential for Trysting Tree to be the total solution will also cost money, though on a more limited basis due to USC's more specific "go-no go" limit direction. This is what the appropriations were intended for.*

Dialogue with Nancy Brewer, Director of Finance. (Brewer response in italics.)

My Questions

1. Would the \$300,000 spent or invoiced by Public Works from the 2012-13 budget for the TMDL be considered a "significant amount of money" as referenced by Hal Brauner (when he was talking about the allocation of \$691,000) in the June 4, 2012 Council minutes shown above? *I will start by saying that in anyone's book, \$300,000 is a significant amount of money. However, in the context of this project and its expected total costs of \$16 to \$40 million depending on the solution ultimately pursued, the amount of money spent fiscal year-to-date is an acceptable amount to continue the work that has been discussed at Urban Services Committee.*
2. Does the intent of the City Council and Urban Services Committee, as reflected in their respective meeting minutes plus the unpublished minutes from the September 20 Urban Services Committee meeting (in which the Committee directed Public Works to explore using only the Trysting Tree Golf course option) allow staff to spend further funds on the Orleans site prior to returning to an Urban Services Committee meeting for further direction? *From what the Urban Services Committee discussed on September 20, I would expect additional expenditures of \$40,000 to \$50,000 to do the additional work on the Trysting Tree only site.*

Orleans TMDL City Council notes

Phillip Hays
1 October 2012

I am a member of the Corvallis Parks, Natural Areas and Recreation Advisory Board. The board voted 4-2 to reject the proposal to put the TMDL project at Orleans Natural Area. These discussions are on record, so I will not repeat them.

However, I must ask the same question I asked at the park board meeting - why are you considering Orleans NA as a site for this project? It is the worst possible site for the project¹. It makes no sense.

The only reason I can come up with for using Orleans NA is that the city doesn't want to spend money to buy more land. But to use the land on the east side of the river you must tunnel under the river. The cost to construct pipelines under the river and deliver water to the Trysting Tree Golf Course will be \$7.5 million². You can buy a lot of land outside the UGB for \$7.5 million!

The Bean Field Alternative would be on 90 acres of EFU land outside the UGB and close to the waste water treatment plant. Examination of Benton County Assessor's records show recent (2006) large parcel EFU land sales in the vicinity of the Bean Field selling for about \$10,000 per acre. At that price 90 acres would cost \$900,000.

The city is considering spending \$7.5 million to tunnel under the river to use existing city property to avoid paying less than \$1 million to buy new land. Does this make sense to anyone?

The Orleans project will cost \$16 million - \$7.5 million to tunnel under the river, and \$8.5 million to complete the project. The Bean Field Alternative might cost about half that amount - \$5 million for a pipe to the Bean Field³, \$2.4 million for the ponds, and \$1 million for the land comes out to \$8.4 million.

The consultants estimated cost for the Bean Field is \$24 million! I asked the Kennedy/Jenks consultant where that number came from and he said he wasn't sure, but the city would have to buy the land. I asked him how much the owners (the McFadden family) wanted for the land, and he said they had not been able to contact a representative to determine a price. How did they come up with a price without knowing the cost of the land?

At the same time Kennedy/Jenks was being paid \$600,000 to be unsuccessful in contacting the owners, the owners were working with the Benton County Community Development Department to subdivide the tax lot that contains the Bean Field⁴! These are also the consultants who designed an "emerging wetlands" into their plan for the East Alternative at Berg Park, only to discover (two years after city parks had told them) that their "wetlands" was the EPA listed Roche Road landfill. I obtained the documentation

for the lot subdivision and a copy of the EPA report on the landfill, complete with a map showing the location in Berg Park, and you didn't have to pay me \$600,000.

The whole TMDL process is badly flawed, so before the city dumps \$16 million of ratepayer's money down a hole for an experimental project on the worst possible site you had better bring in someone who knows what they are doing to evaluate this project. CH₂M comes to mind as a qualified local source.

Once again, I ask why are you considering spending \$7.5 million to tunnel under the river and another \$8.5 million to finish the Orleans project when you might be able to produce a far better result at the Bean Field for about half the cost?

1. The Orleans site is too small for a Talking Waters type project. Many of the trails are temporary - to be lost when ODOT expands the bypass. The area floods frequently (twice in the last year) and is therefore unsuitable for permanent facilities. The experimental hyporheic zone thermal delay method has never been tested to prove that it can provide sufficient cooling to meet Corvallis' requirements. Finally, this process can treat waste water for only part of the year, so it cannot be used year round to remove other pollutants from the city's waste water.

2. TM02 Section 5 Conclusions and Recommendations, page 5-2, paragraph 4.

3. Using Public Works figures, the cost of running a pipe from the golf course to Berg Park would be less than \$5 million. The distance is about the same as from the treatment plant to the Bean Field. So, if they can construct the pipe for \$5 million on the east side of the river, they should be able to build a pipe of the same length on the west side for the same cost.

If my numbers are wrong it is because their calculations are wrong.

4. LU-12-013 Partition - McFadden, 6/13/2012, Notice of Decision, Benton County Community Development Department

October 1, 2012

TO: City of Corvallis City Council and Mayor
FROM: Liz Frenkel, Corvallis 97333
RE: TMDLs [Agenda Item IX.C.1]

I am Liz Frenkel, testifying for myself.

As I testified before the Urban Services Committee, I support the City Parks Master Plan for the Orleans Natural Area and do not support the site's use as a wastewater treatment facility. I do appreciate the need for the City of Corvallis to meet the TMDL temperature standard as required by the Department of Environmental Quality (DEQ).

My concern is that if the \$40,000 expended on Tasks 1-3 does not clearly indicate the potential for resolving water temperature problems, as required by DEQ, the City will be forced to fall back on the original combination of TTGC and the Orleans Natural Area site. This is not a good political situation.

I strongly believe that the Council should look further at other alternatives. My suggestion would be a hard look at the "Bean Field" site (the North Alternative). In the "triple-bottom-line" analysis it ranked well except for the cost. Eliminating the cost of piping wastewater from the wastewater treatment plan under the Willamette River to either TTGC and/or Orleans Natural Area would appreciably decrease the overall cost. Planning for a future public park would surely bump up its triple-bottom line. This site could ultimately become a visitor attraction with good revenue potential. Planning for the future can only be done now.

Whether this is a "Vision" or concern for rate-payer pocket books, I urge you to have a look at the "Bean Field" site.

Thank you for your consideration.

Liz Frenkel

Information Regarding
the Orleans Natural Area
as a Proposed Site for
the
TMDL Project

Presentation by
Patricia Benner

October 1, 2012
version



Tel: (519) 885-0283
Fax: (519) 885-4475
info@renewability.com

August 22, 2012 – Revised September 13, 2012

Re: City of Corvallis – Waste Water Treatment – Effluent Temperature Reduction

To Whom It May Concern,

I have been asked by a resident of Corvallis to review the city's challenge with reducing effluent water temperature because my company manufactures Power-Pipe[®] Drain Water Heat Recovery (DWHR) systems for residential, commercial and industrial applications.

DWHR systems offer a double benefit: chilling the drain (effluent) water while reducing water heating costs because they pre-heat incoming fresh water. Simply put, we consider the heat in drain water as an energy resource and rather than a liability.

Indeed, if DWHR systems were installed everywhere where it is feasible in Corvallis they could potentially solve the problem that Corvallis faces, while providing enormous economic benefit to the city's residents and businesses. It is difficult to install our standard Power-Pipe residential system in many Corvallis homes, but we are working on new product line, which could be retrofit in most Corvallis homes. Our standard systems, however, can be installed in most multi-residential, commercial and industrial buildings, with varying degrees of complexity. The total installed cost for standard Power-Pipes under a large installation program would be about \$800 per home.

I believe that DWHR is only part of the solution that the City ought to implement. I have considered this situation over the past 7 weeks and have several other recommendations that also should be considered. First, we need to get back to the basics and understand the sources for the elevated summer effluent temperatures and corresponding energy loads.

Discussion 1 - Sources for Elevated Summer Effluent Temperatures

We need to keep in mind that the effluent temperature to the river must be at or below 64.4 °F, which is our "base" temperature for calculating source energy loads, etc.

The Report, "Sources of Thermal Load in the Corvallis Sanitary Sewer System", City of Corvallis, Public Works Department, 2003 incorrectly uses 0 °F in calculating energy source loads. I should mention that this is a common mistake.

Therefore, this equation in the report:

$$\text{Btus} = Q \times T \times 8.34,$$

must be replaced with this equation:

$$\text{Btus} = Q \times (T - 64.4 \text{ } ^\circ\text{F}) \times 8.34 \text{ Btu}/^\circ\text{F}/\text{gallon}$$

Where,

Q = total daily flow in gallons from the contributing source, and

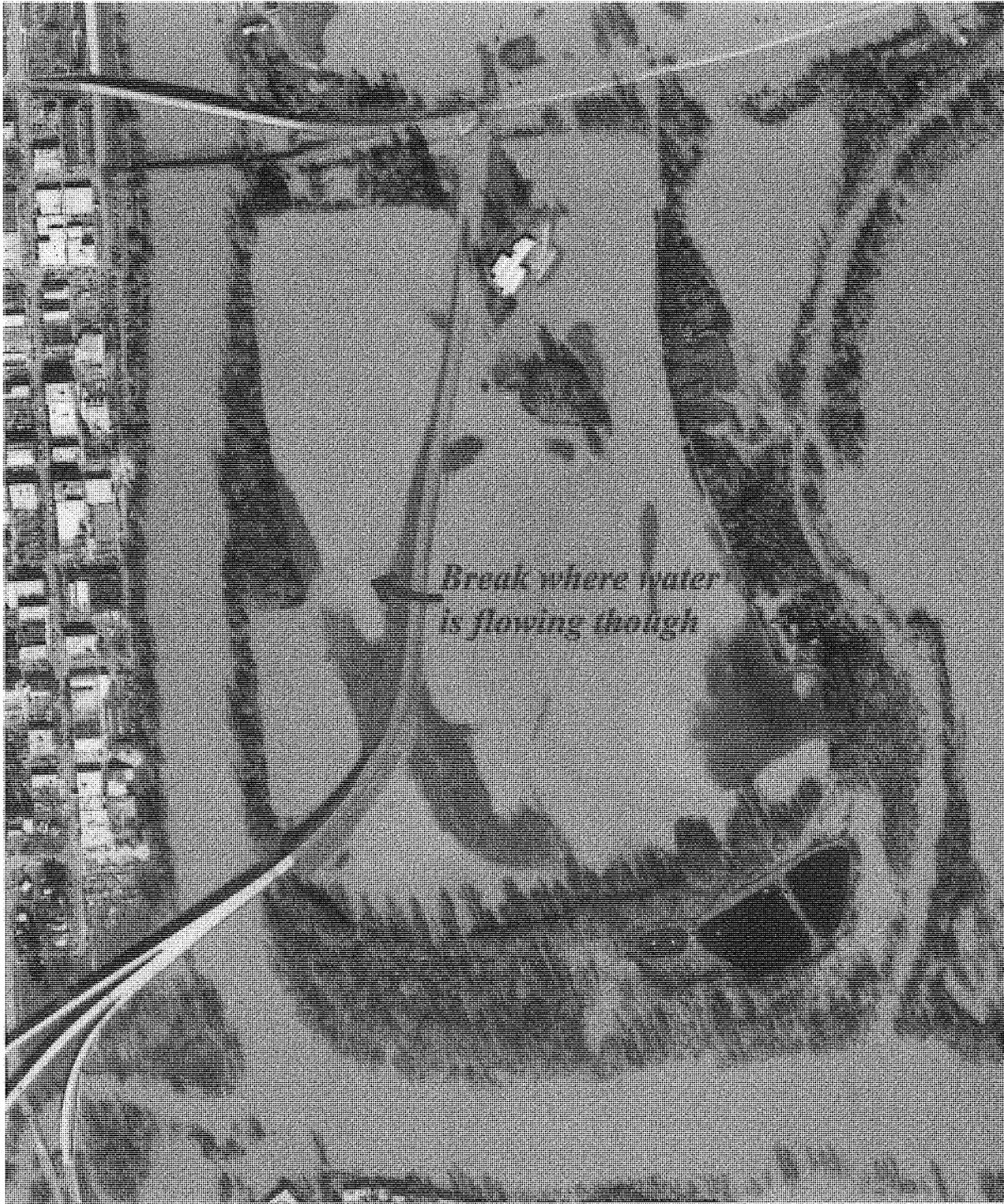
T = 7-day average of the daily maximum temperature, in degrees Fahrenheit (°F), of the contributing source.

RenewABILITY Information

- re-use of energy (energy recovery)
- less expensive

RenewABILITY paper also raises concerns about City's thermal calculations.

- I am entering this September 13, 2012 letter into the record for Peter Erskine.



February, 1996 Flood

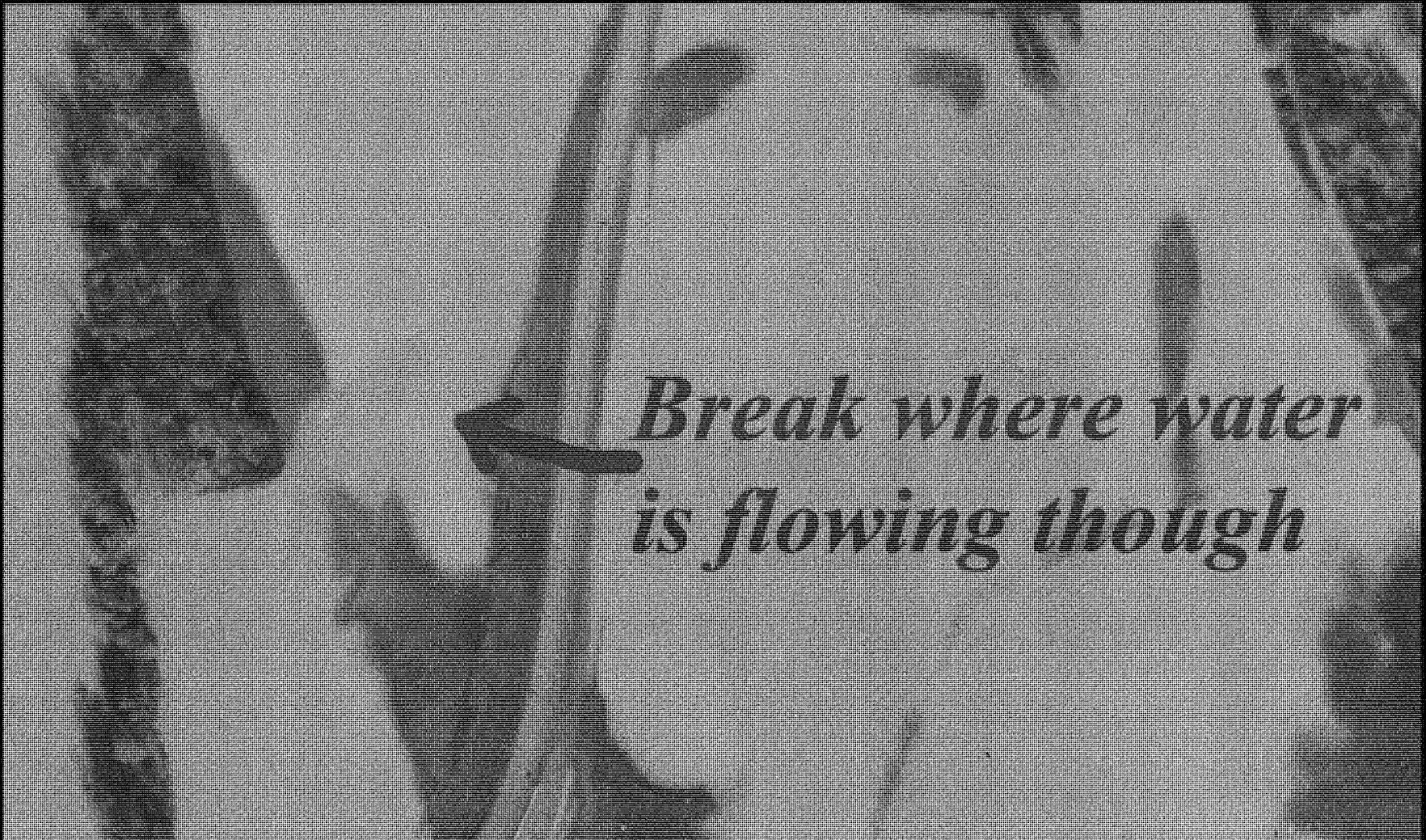
There was river
current through the
Orleans Natural
Area

during the
February, 1996
Flood

peak flow
125,000 cfs.

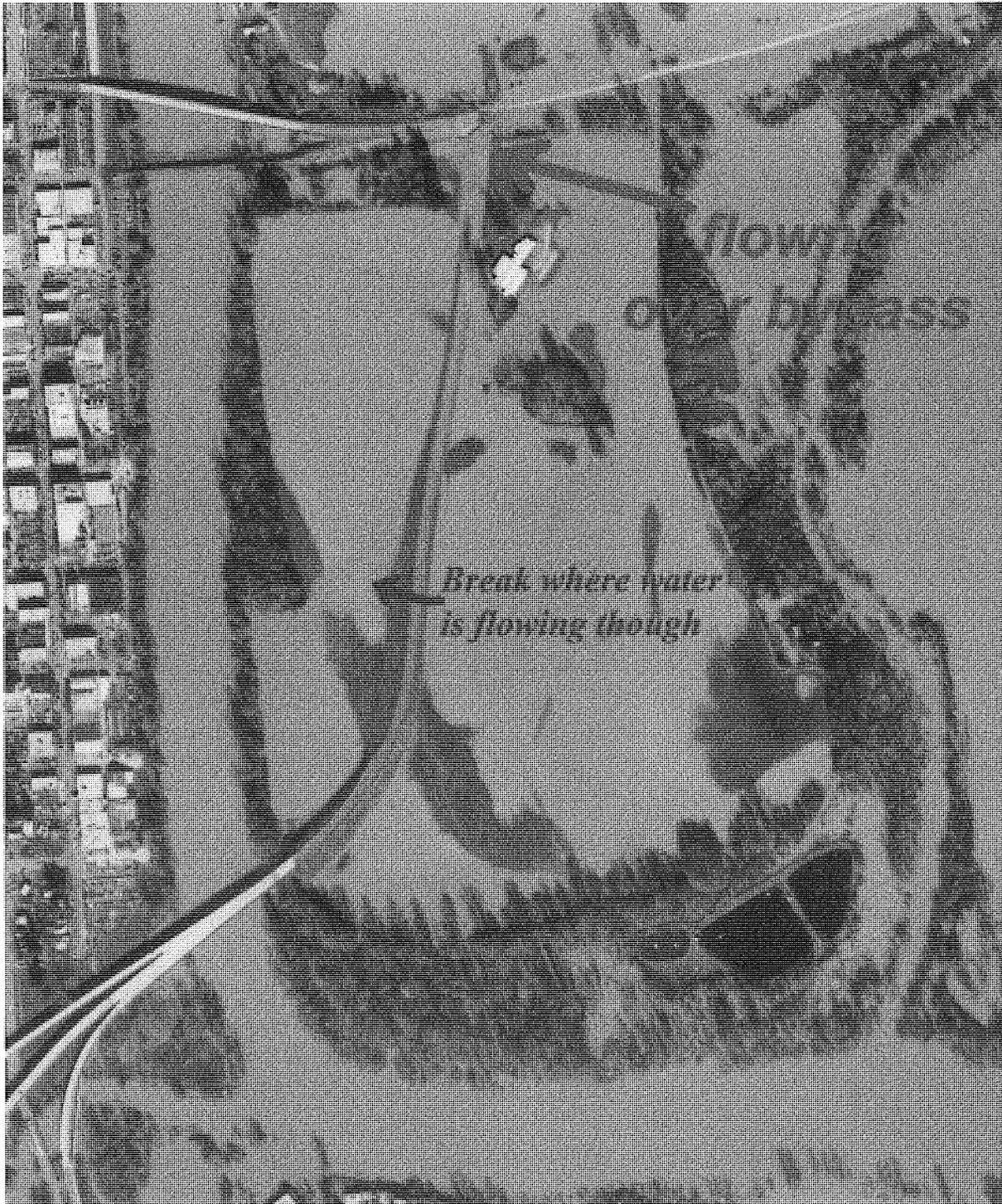
a 14-year flood

*Break where water
is flowing through*



*Break where water
is flowing through*

Scouring (erosion) & Deposition: concern about consequences of river current on this proposed facility;
Calculate flow velocities before moving forward at the site.



The current flowed over the north end of the bypass and into the Orleans Natural Area.

The shoulder gravel was scoured/washed away.

ODOT replaced with asphalt.

Flood Current at Orleans Natural Area

Flood Size**	Volume of Water (flow)*** (cubic feet per second)	Current in Orleans Natural Area
~ 3-year flood (this last winter's floods in January and April, 2012)	81,800 cfs. (one-half or more of the was park flooded)	no, though there is surface connection with the river
10-year flood	117,000 cfs	?
the February, 1996 flood (was about a 14-year flood)	125,000 cfs	Yes, from looking at 1996 aerial photo
20-year flood	140,000 cfs.	yes
30-year flood	153,000 cfs	yes
50-year flood	172,000 cfs	yes
the December, 1964 flood	186,000 cfs	yes
100-year flood	200,000 cfs	yes

** Data from: *Willamette River Basin Cumulative Frequency Curve Maximum Annual Discharge* graph, U.S. Army District, Portland, 1982.

*** Based on the Albany gage 11 miles downstream, because of the longer period of record.

Bypass Elevation Only Topographic Coloring

Red area flooded
during the 1996 flood

2- foot contour
intervals

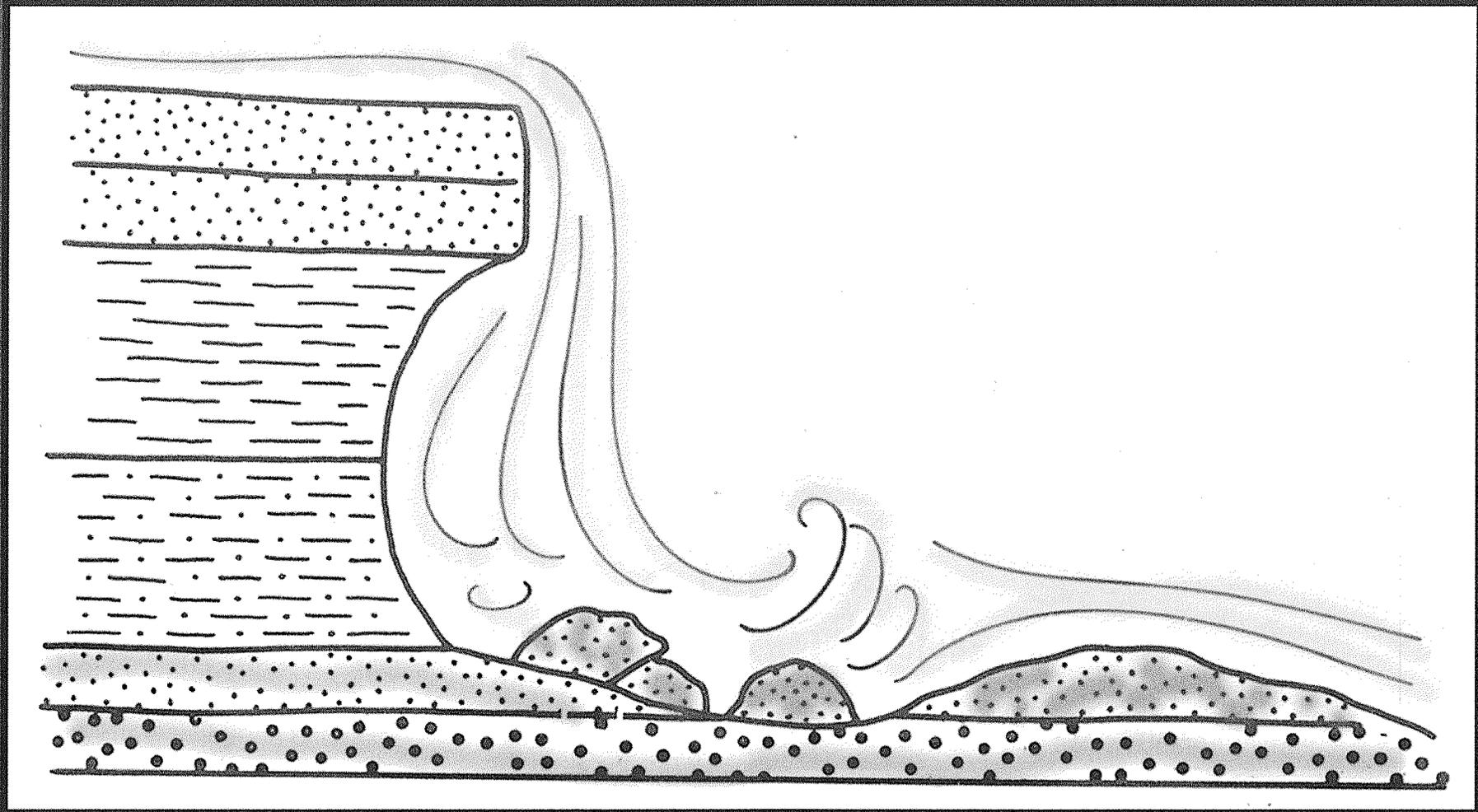
Topographic base map
from Benton County, 2012

Bypass Inundation

1996 flood (14-year):
approximately the area
in red.

20-year flood:
approximately the area
in red and blue.

50-year flood:
approximately the area
in red, blue and yellow



Moving water picks up speed as it falls over an obstacle, and it undercuts and scours less resistant material below.

Northerly 3D Rendering



Rendering of TMDL facility: from Public Works' PNARB presentation on August 7, 2012.

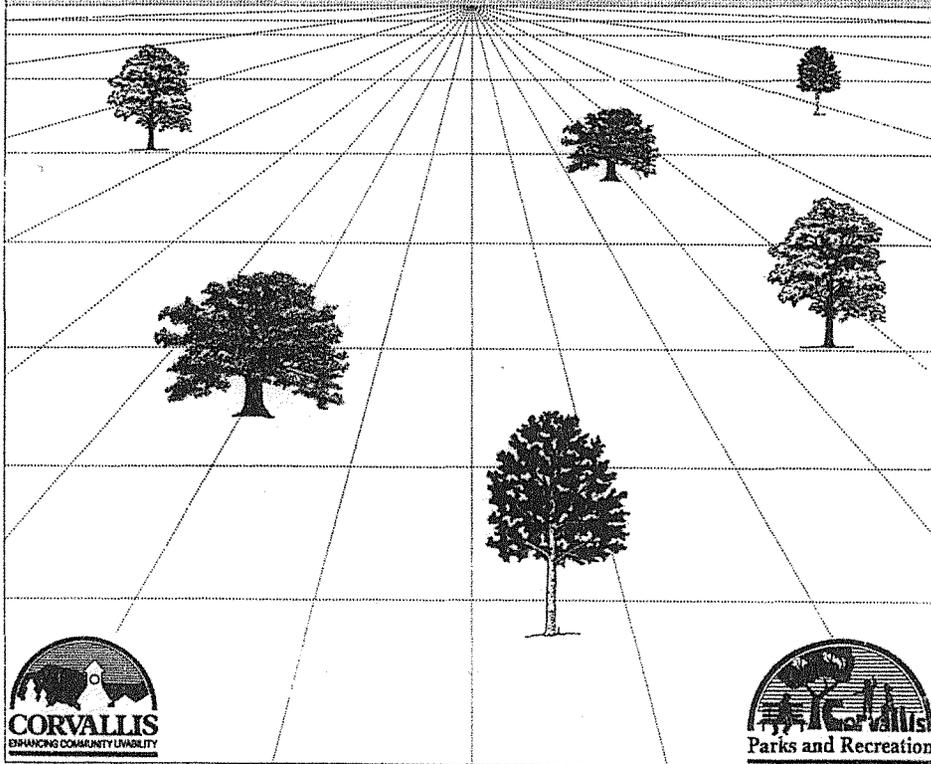
Proposal includes structures that create hydraulic scour.

A hydraulic study
should be done
to determine
flow velocity
for various sized floods.

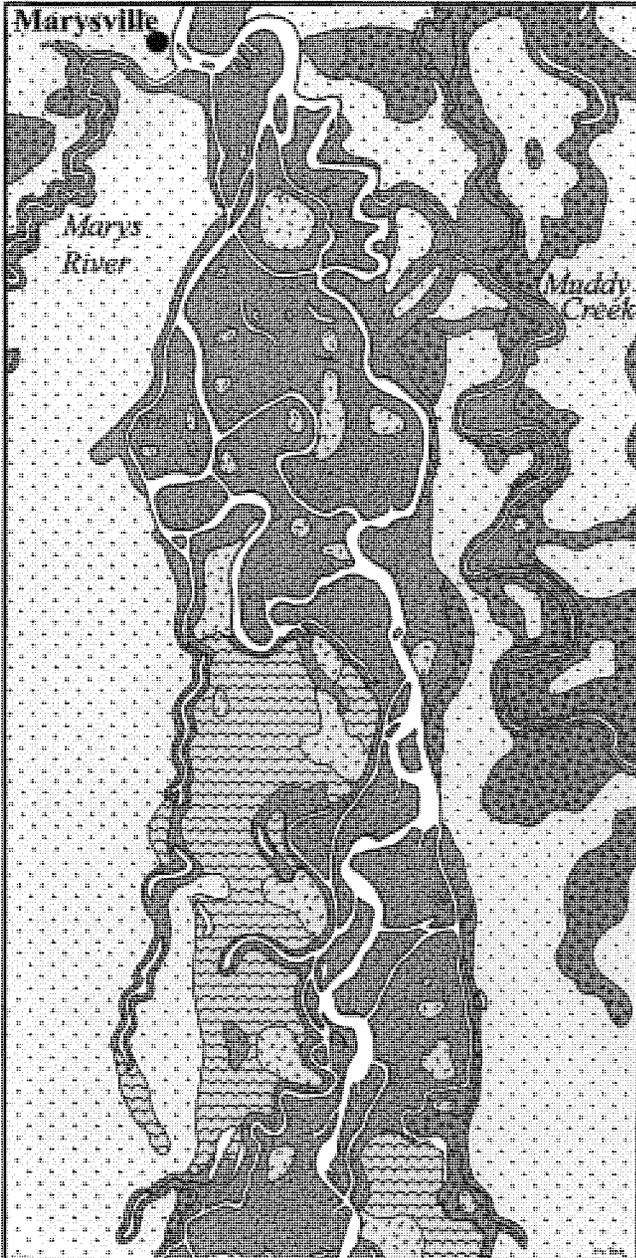
Alan B. Berg/
Martin Luther King Junior Parks

Master Plan

November 7, 1994



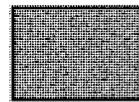
The *Master Plan* recognized the native features and the ecosystem services of the Orleans Natural Area in the 1800s, and directed to re-establish these natural features.



The land across from
Marysville
(now named Corvallis)
was covered in
bottomland forest
in the 1850s.

Data are from Original Survey Notes
and Donation Land Claim notes

Partial Legend



*"Land low river bottom
subject to inundation.*

*Timbered with Maple, Ash, Fir,
Alder, Willow, and Balm of Gilead
[cottonwood]. Dense Undergrowth
of Vine Maple, Hazel, briars & c."*

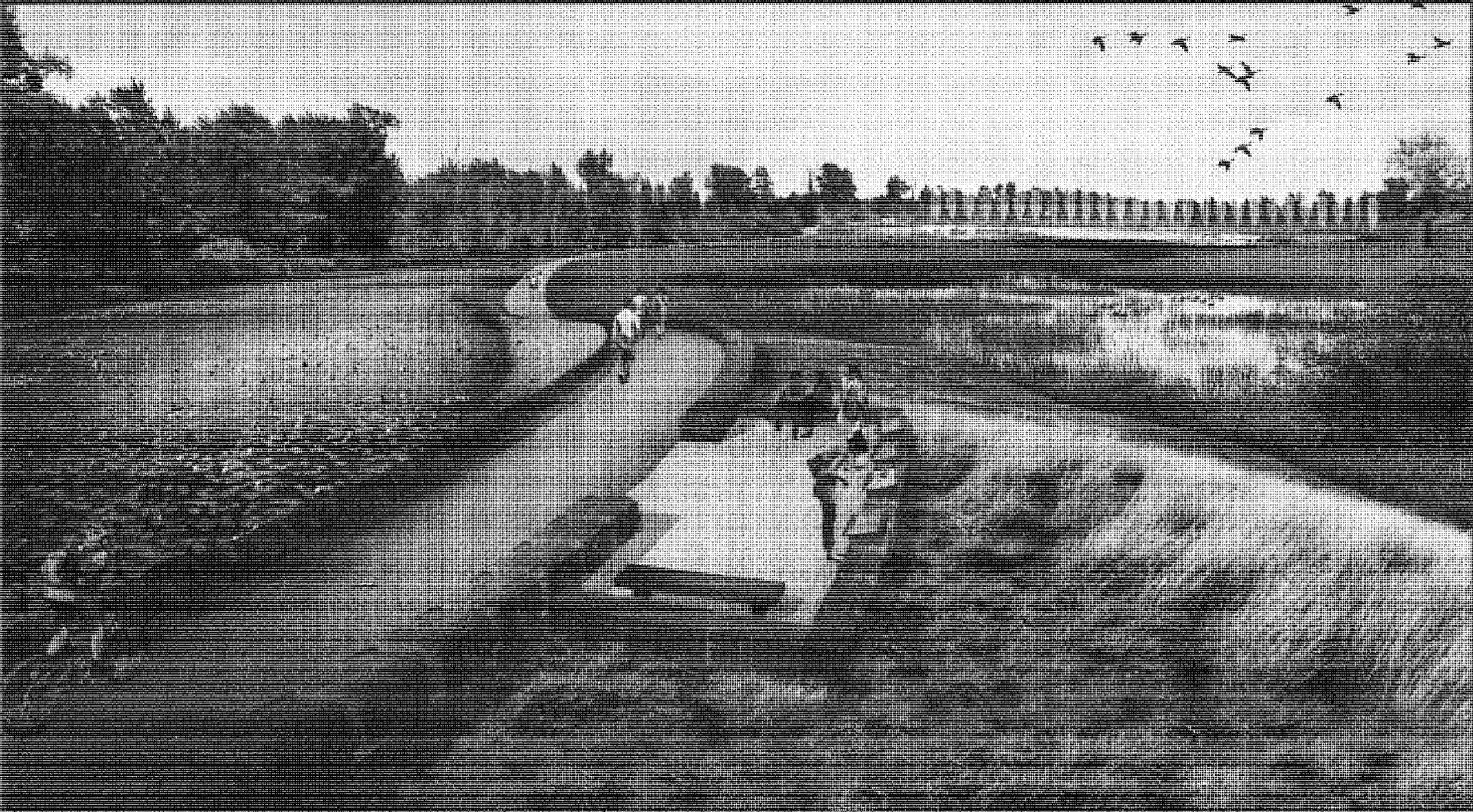
Benner and Sedell, 1997

**Willamette
River
Corridor:

Less than
5%
of the
bottomland
forest
remains
today**

**Map
was created using
data from
1852-54
Original Survey
Notes**

Southerly 3D Rendering



Rendering of the TMDL facility: from Public Works' PNARB presentation on August 7, 2012.

Proposal does not implement the Park's *Master Plan*

DOWNTOWN CORVALLIS



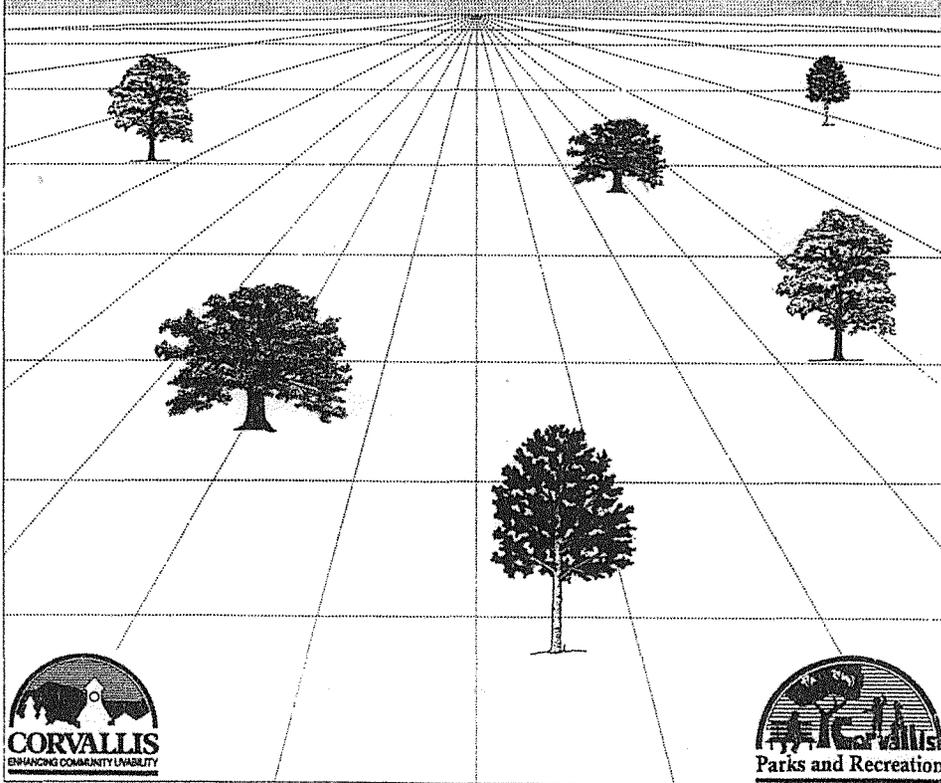
Schematic of the TMDL facility: from Public Works' PNARB presentation on August 7, 2012.

At this point, mature riparian trees will be removed to make room for the proposed TMDL facility.

Alan B. Berg/
Martin Luther King Junior Parks

Master Plan

November 7, 1994

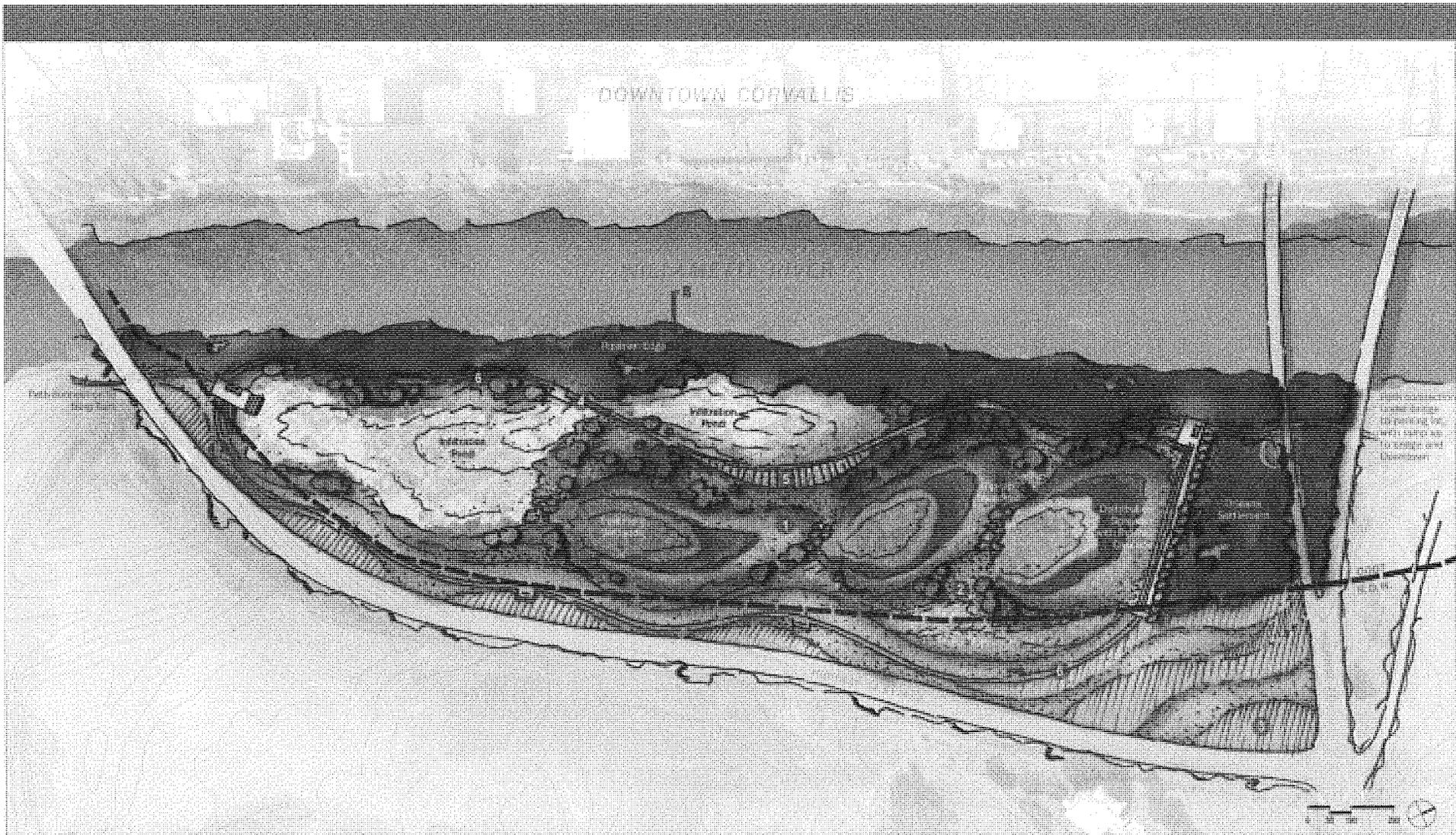


**The proposed
wastewater
facility
does not
conform
with
the *Master Plan***



Schematic of the TMDL facility: from Public Works' PNARB presentation on August 7, 2012.

Liability: The City puts fences around City detention ponds as a part of risk management; will there be fencing?



Schematic of the TMDL facility: from Public Works' PNARB presentation on August 7, 2012.

Government's riparian choices are scrutinized by the public -- is government appearing to follow its own rules?

Why are we trying so hard to use a site, that has so many issues?

- ongoing maintenance costs
- probable flood damage
- 4f costs for ODOT when bypass expands
- eventual loss of public access infrastructure
- site too small for amount of water originally planned
- pretending it fulfills Orleans Master Plan

Summary: Need to find an alternative site

October 1, 2012

Corvallis Mayor and City Council
City of Corvallis
501 Madison St.
Corvallis, OR 97333

Re: Location of the TMDL Project

Dear Mayor and City Council:

I was a member of the Alan B. Berg/Martin Luther King, Jr. Parks Planning Committee, and on its Natural Areas/Wildlife Subcommittee in 1994, and can hopefully provide institutional memory for the Orleans Natural Area Master Plan.

As a river ecologist and historian, I feel a responsibility to bring scientific information to my community's decision-making processes when I can. And, as a Corvallis citizen, I feel a responsibility to be a part of finding an alternate solution if the science that I bring to the process suggests to me that a proposal is not likely be a good idea. This is the case for me with the Orleans Natural Area as a proposed site for the Corvallis TMDL temperature project.

I have researched a number of variable, including soils, flooding, historical landscape, access, cost, size, etc (please see chart on the following pages).

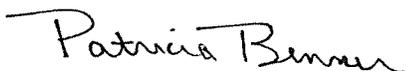
Please keep in mind that the Orleans Natural Area was never evaluated in comparison with the other alternatives. It was the Berg Park location that was the "East Alternative" during the part of the public process when alternatives were compared with one another.

I don't know enough yet about Trysting Tree Golf Course, except that the east boundary of the golf course is not as far away from the river as I had hoped.

I am not absolutely sure that the North Alternative is *THE* site for this project, but I am using it as an alternative in this case to show how marginal the Orleans Natural Area site is. The North Alternative site did appear, at one time, to have been a top choice.

Thank you for your time and effort in considering community input on this proposal.

Sincerely,



Comparison between the Orleans Natural Area and The North Alternative Sites

(Staff: Please feel free to modify, as this project continues to evolve)

Variable	Orleans Natural Area	North Alternative (“Bean Field”)
1. Project Goal #1: to address DEQ expectation that the City of Corvallis reduce the number of thermal kilo-calories of heat being placed in the Willamette River from April through October.	Infiltration ponds are so close to the river, and the infiltration test results show rapid movement to the river. <i>(Source: Mr. Penpraze and/or consultant's oral comment, USC meeting, September 20, 2012 .)</i> Question: Then, will thermal load be adequately detained and retained in the gravels?	The larger area allows for more cooling strategies, including only surface cooling.. Actually, this site sounded like it was a favored site early in the process.
2. Project Goal #2: to remove pollutants such as nitrogen and pharmaceuticals, etc. to meet future regulatory requirements	Will only function seasonally to remove pollutants from effluent <i>(staff have noted that water would only be delivered seasonally to facility. PLEASE ASK for UPDATE Re. this COMMENT)</i> possibly have to let the gravel cool	Can probably function year-around to remove pollutants of future concern from effluent; larger acreage allows for more
3. Soil Type from the USDA Soil Surveys	<i>Newberg Fine Sandy Loam</i> Soil depth might vary between sites	<i>Newberg Fine Sandy Loam</i> Soil depth might vary between sites
4. Flooding Field Measurement for <i>in-channel</i> velocity at Corvallis is listed by the USGS; For 7,160 cfs (the highest flow listed in the data set), the velocity was 6.88 ft/sec.	Almost all of the site is flooded by a 10-year flood event. More importantly, there is a <i>current</i> through the area at least during a 14-year, and during larger events <i>(data from aerial photography during the 1996 flood).</i>	Floods much less frequently; and when it floods it appears to be <i>backwater</i> from Stewart Slough. Flooding frequency is still not clear to me, but was not flooded during the 1996 flood (a 14-year event); I would <i>estimate</i> flooding re-occurrence interval to be more like 30-50-year event.
5. Public access for multiple use of the site.	Very limited public access; note that the Orleans Natural Area was highly valued as a recreational spot for people living Downtown.	At the intersection of Circle Blvd. and Highway 20, there is excellent access. It also could be a gateway amenity.

Variable	Orleans Natural Area	North Alternative (“Bean Field”)
6. <u>Master Plan objective</u> for the Orleans Natural Area	<p>The Park <i>Master Plan</i> (1994) calls for re-establishment of a native bottomland (floodplain) hardwood forest. One of the reasons for re-vegetation was that less than 5% of this original landscape remains today, and it contributes greatly towards ecosystem services.</p> <p>The comparison is made using Original Survey Note data from the 1850s.</p>	<p>There was about 150 feet in width of forested land along the river at this site in the 1850s. The rest was in prairie. Every segment of riparian corridor has significance to the river system. However, since this land does not flood as often, its relationship with the river could be looked at as less ecologically “intimate.” Or, better, a part of the use of this site could re-establish this riverbank vegetation.</p>
7. <u>Hyporheic Zone Protection</u> an extension of the river channel where channel water and ground water mix.	<p>With this site immediate to the river, the facility mingles warm water with the portion of the hyporheic zone that is also immediate to the river channel.</p> <p><i>* “The hyporheic zone is an active ecotone between the surface stream and groundwater.... Upwelling subsurface water supplies stream organisms with nutrients while downwelling stream water provides dissolved oxygen and organic matter to microbes and invertebrates in the hyporheic zone.” Boulton et.al. (see below for entire abstract.)</i></p>	<p>Site is large enough to allow surface-only cooling. If the ground is used to absorb and temporarily store heat, there is greater depth to the hporheic zone</p>
8. <u>DEQ Guideline</u>	<p>It is unclear to me how DEQ is promoting use of the hyporheic zone immediately adjacent to the river. However, our community can set a higher bar to protect a resource than the State. Our community’s record for such an approach includes smoking in bars and our recent plastic bag ordinance. Why not do the same for the hyporheic zone and back away from the river’s primary corridor?</p>	

Variable	Orleans Natural Area	North Alternative (“Bean Field”)
9. <u>Comparison with Albany’s Talking Water Gardens (TWG)</u>	<i>Talking Water Gardens</i> uses only surface cooling during cool evening air temperature. The Public Works Department has used TWG as a “role model.” The TWG facility is apparently very successful in cooling water using wetlands, and moving current and waterfalls.	Early discussion in an appendix <i>Technical Memorandum</i> suggests that early discussion of this site used surface water cooling only. There is plenty of acreage to do surface cooling, then pip water back to treatment plant (like TWG does) or to the river.
10. <u>Cost</u>	With the increased cost of tertiary treatment for TTGC, 4f costs in the future for the pedestrian paths, etc in ODOT’s easement, etc, it appears that the cost of Orleans is higher than first estimated.	The original estimate for this site seems to assume subsurface infiltration site preparation, and unknown reasons why cost is so high. I can’t get information that documents cost estimate.
11. <u>Biological & Chemical Hyporheic Studies</u>	There is not indication that any research will be done to study impacts on the biology and chemistry of the hyporheic zone. Is this true?	Possible not relevant.
12. <u>Site Size:</u>	<i>Due Diligence Evaluation</i> (November, 2011) notes that the Orleans site would have insufficient capacity to process the original goal of 7-10 million gallons/day.	The site is around 70-90 acres or so, but much larger than the 28 acres at the Orleans Natural Area site (<i>number from staff Powerpoint presentation</i>).

* *Annual Review of Ecology and Systematics*

Vol. 29: 59-81 (Volume publication date November 1998)

DOI: 10.1146/annurev.ecolsys.29.1.59

Andrew J. Boulton,¹ Stuart Findlay,² Pierre Marmonier,³ Emily H. Stanley,⁴ and H. Maurice Valett⁵

ABSTRACT

The hyporheic zone is an active ecotone between the surface stream and groundwater. Exchanges of water, nutrients, and organic matter occur in response to variations in discharge and bed topography and porosity. Upwelling subsurface water supplies stream organisms with nutrients while downwelling stream water provides dissolved oxygen and organic matter to microbes and invertebrates in the hyporheic zone. Dynamic gradients exist at all scales and vary temporally. At the microscale, gradients in redox potential control chemical and microbially mediated nutrient transformations occurring on particle surfaces. At the stream-reach scale, hydrological exchange and water residence time are reflected in gradients in hyporheic faunal composition, uptake of dissolved organic carbon, and nitrification. The hyporheic corridor concept describes gradients at the catchment scale, extending to alluvial aquifers kilometers from the main channel. Across all scales, the functional significance of the hyporheic zone relates to its activity and connection with the surface stream.

resubmitted
Oct. 1, 2012

This was not an "informational only" testimony as the minutes state — I made specific requests that apply broadly to development in Corvallis, not targeted to Brooklane Heights & Oakmont, as Ken Gibb's Sept. 26th memo states:

City Council Meeting

September 17, 2012

Visitor's Proposition from Susan Morré

I am representing a group of Brooklane area neighbors and other community members who have had several meetings with City staff and sent email requests to the Mayor, City Manager, and City Council to address a process concern that applies broadly to development in Corvallis. The main issue is allowing revisions of approved plans to be submitted and approved in a nontransparent process that can significantly alter the publicly approved plans. We request that the City address our concern and to affirm that the approved plans are what will be upheld, not future revisions to them.

Requested action

Under our land use codes, an applicant has a good deal of certainty in knowing what are the required elements of a land use application, and the codes and regulations with which it needs to comply. Once a plan is approved, the community members who have been participating in the land use process (whether by attending or testifying at a public hearing, watching it on television, or reading about the outcome in the paper) expect that this publicly approved plan is the one that will be implemented.

Key concern

However, the current mode of operation in the Development Services Department is to allow ongoing revisions of approved plans to be submitted and approved behind closed doors, and they are interpreting these approved revisions as being consistent with the approved plan. We believe that the community deserves to have equal certainty that the publicly approved plan is what will be allowed, not multiple privately approved revisions of publicly approved plans.

That is the key issue we are asking the City (Council, Mayor, Manager) to address — this issue applies to all projects across the city, not just the Oakmont Subdivision and Brooklane Heights Planned Developments shown in these photos. We would like clarification that the public plan is the approved plan, not ongoing privately revised versions of it. We are not requesting any code revision but rather a clarification of City policy and process, so that it applies to all projects, not only those that have not yet been submitted.

We are simply asking the City to enforce original approved plans as conditioned, rather than allowing ongoing revisions, to impose steep fines for repeat offenders who cost the City and the community a lot of time and money, and to require developers to operate within the terms of their approved plans and permits.

equated action

Thank you for considering our request.

Sincerely,

Susan Morré

Susan Morré, representing Brooklane area neighbors and other concerned community members

Perhaps there are loopholes that need to be closed as Mr. Patterson mentioned at this evening's hearing.

ATTACHMENT C
Page 413-1

ATTACHMENT I
Page 444-ai



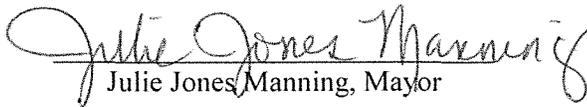
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e-mail: mayor@council.ci.corvallis.or.us

PROCLAMATION

PINK WEEK

October 8 - 14, 2012

- WHEREAS, Breast cancer is the leading cancer among American women; and
- WHEREAS, More than 2,800 Oregon women will be newly diagnosed with breast cancer this year; and
- WHEREAS, Oregon is ranked fifth in the United States for prevalence of breast cancer; and
- WHEREAS, Early detection is the key to surviving breast cancer; and
- WHEREAS, Corvallis residents benefit from numerous programs and services designed to support patients and survivors; and
- WHEREAS, These programs include Project H.E.R. (Help, Enlightenment, and Resources), which pairs trained volunteers who are also breast cancer survivors with newly diagnosed individuals and which serves nearly 300 in our community each year; and
- WHEREAS, Additional programs include the SCREEN initiative in support of breast and cervical cancer screening and education, "Pink Out" events to raise awareness and funds, and active local participation in the Breast and Cervical Cancer Coalition and events such as the Relay for Life and Susan G. Komen Race for the Cure; and
- WHEREAS, Puttin' on the Pink Education Day and Style Show will be held October 10 and October 13 to raise awareness and support for our community breast cancer patients and survivors; and
- WHEREAS, Awareness, education, and support are vital to survivors and those who love them.
- NOW, THEREFORE, I, Julie Jones Manning, Mayor of Corvallis, Oregon, do hereby proclaim **October 8 - 14, 2012** as **Pink Week** in the City and encourage local citizens and businesses to "put on pink" and support these efforts in recognition of Breast Cancer Survivors and National Breast Cancer Awareness Month.


Julie Jones Manning, Mayor


Date



Office of the Mayor
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6985
FAX: (541) 766-6780
e-mail: mayor@council.ci.corvallis.or.us

PROCLAMATION
OREGON DAYS OF CULTURE
OCTOBER 1 - 8, 2012

- WHEREAS, Culture draws us together in common purpose, understanding, and celebration; and
- WHEREAS, Oregon's 1,300 arts, heritage, and humanities non-profits – museums, libraries, theaters, historical societies, arts centers, and heritage sites – are the heart of our communities; and
- WHEREAS, In Corvallis and Benton County, activities related to arts and culture provide opportunities for artists to work professionally and also contribute to the region's economic vitality and overall quality of life; and
- WHEREAS, Local organizations such as the Benton County Cultural Coalition and the City's Arts and Culture Commission help raise awareness, facilitate policy development, and provide financial support for arts and culture activities in our community; and
- WHEREAS, The Oregon Culture Trust presents Oregon Days of Culture October 1 - 8 during National Arts and Humanities Month to encourage Oregonians to celebrate, participate, and give to Oregon culture; and
- WHEREAS, Since 2003, when the Oregon Cultural Trust awarded its first round of grants, the Trust has invested \$54,000 in the city of Corvallis and \$183,839 in Benton County; and
- WHEREAS, October 8, 2012, marks the tenth anniversary of Oregon's innovative cultural tax credit, encouraging new public and private investment in Oregon culture; and
- WHEREAS, The Oregon Cultural Trust is smart public policy, like vote by mail, the bottle bill, and the beach bills, that makes Oregon a proud thought-leader nationwide; and
- WHEREAS, Supporting culture – through participation, advocacy, and philanthropy – is vital to preserving the past, sustaining the present, and creating the future.
- NOW, THEREFORE, I Julie Jones Manning, Mayor of Corvallis, Oregon, proclaim **October 1 - 8, 2012**, as **Oregon Days of Culture** in Corvallis and call upon all community citizens, especially during these eight days, to participate in Oregon culture, to celebrate its vibrancy and depth, and to give to the arts, heritage and humanities to ensure their future vitality.


Julie Jones Manning, Mayor

10-1-12

Date