

EUGENE WATER & ELECTRIC BOARD  
SPECIAL BOARD MEETING  
EWEB BOARD ROOM  
FEBRUARY 4, 2008  
7:00 P.M.

Commissioners present: John Simpson, Ron Farmer, Patrick Lanning, John Brown, and Mel Menegat.

Others present: Randy Berggren, Jim Wiley, Tom Buckhouse, Marty Douglass, Dick Helgeson, Jim Origliosso, Debra Smith, Marc Anderson, Suzanne Pearce, and Krista Hince of the EWEB staff; Gary Rayor, OBEC Consulting Engineers; Ruth Atcherson, City of Eugene minutes recorder; and Faye Stewart, Lane County Commissioner, guest; and members of the public.

President Simpson convened the Special Meeting of the Eugene Water & Electric Board (EWEB).

#### **AGENDA CHECK**

There were no changes to the agenda.

#### **BOAT LANDING SCHEDULE PRESENTATION**

General Manager Randy Berggren apologized to the staff, Board, and audience for the short notice. He said an assessment of the recent communication received from the Federal Energy Regulation Commission (FERC) required the Board to make a decision on the boat landing.

Compliance Manager Suzanne Pearce indicated she was available to answer any questions regarding the FERC milestones and deadlines as the Board evaluated options for the boat landing. She reviewed the history of the process to date. She noted that EWEB had been “kicking around” the idea of a boat landing since 1991 because of the anticipated lake raise. The lake raise however had not been as great as had been projected and it then seemed that a new boat landing was not necessary. She said EWEB had tried to withdraw its proposal for a boat landing and FERC had responded with an order to construct one. She stated that the FERC deadline was March 31, 2008, and that FERC indicated construction should begin in 2009.

#### **BOAT LANDING SCHEDULE DISCUSSION**

Commissioner Brown thanked everyone for attending. He acknowledged that the current recommendation was for construction of a boat landing in Lloyd Knox Water Board Park. He did not think it would be used. In the interest of avoiding making the “wrong decision,” he suggested that the Goodpasture Road site would be a more optimal site. He understood that neighbors had expressed concerns regarding the safety of the road in the Goodpasture Bridge vicinity for people turning onto the bridge. He felt development of a boat landing there could present an opportunity to resolve the highway safety issues and the FERC issue simultaneously. He noted that Lane County Commissioner Faye Stewart had already taken steps to try and reduce the speed limit in that area.

Commissioner Brown underscored his opposition to the Water Board Park site. He averred

that putting the boat landing there without opening the road up would create a greater traffic mess than the present one. He added that he did not understand why EWEB could not go to the legislature and point out that FERC was forcing the utility into a “bad and dangerous” decision. He remarked that whatever decision the Board made would make someone angry.

Senior Engineer Marc Anderson related that he had toured the Johnson site twice, once with the OBEC consultant, and had determined that the site was not usable based on the steepness of the riverbank.

Commissioner Brown asked if FERC would be willing to wait if EWEB indicated it would proceed with the steps necessary to develop a boat landing on the Goodpasture site. Ms. Pearce responded that there was no simple answer. She felt EWEB was somewhat at risk in terms of FERC’s timeline no matter what choice they made. She believed that FERC would be more amenable to delays caused by something beyond EWEB’s control. She pointed out that the decision to put in a boat landing was not a new one; EWEB had known about it for years.

Electric Division Director Jim Wiley added his feeling that FERC was typically more forgiving if an entity was waiting for a zoning change or something along those lines.

Commissioner Brown asked what would happen to EWEB if FERC determined that EWEB was not complying or not being responsive. Ms. Pearce replied that options for penalties ranged from written violations to fines. She did not recall the exact amount of potential fines, but thought they were typical of regulatory language, e.g. so many thousand per day. She commented that she would be surprised if FERC was heavy-handed with EWEB. Mr. Wiley thought demonstrating some progress or at least that a site had been selected would appease FERC somewhat.

In response to a question from President Simpson, Mr. Anderson stated that a decision made by February 22 would leave one week to prepare the documents necessary to go to the agencies followed by a 30-day period for submission of comments and then submission to FERC by March 31.

Mr. Berggren said staff’s recommendation to opt for Lloyd Knox Water Board Park was based on EWEB’s ability to be responsive to FERC with the lowest cost, highest certainty solution. He could not clearly state that it was the best site. He acknowledged that the Board could choose the Goodpasture site, but wished to note that the biggest hurdle for that site was the uncertainty of the potential zone change. He predicted FERC would be concerned about how long that would take and the possibility that the application would be denied.

Vice President Farmer remarked that if he were FERC he would have held EWEB’s “feet to the fire” earlier.

Mr. Wiley stated that this would likely be the last item involved in implementing the Walterville/Leaburg license.

Vice President Farmer averred that FERC was responsible to the taxpayer as well as to the utilities. He thought FERC would be responsive if EWEB submitted a well thought out specific plan. He said if FERC was being unreasonable he would not oppose soliciting help from their congressional delegation in working with the agency.

President Simpson believed that if EWEB showed a good faith effort to document and express EWEB's plans FERC would treat the utility fairly. He said they should show FERC the design for what EWEB intended to do and then show consistent steps forward in accomplishing that task.

### **ALTERNATIVE SITE REVIEW**

Mr. Anderson reviewed the latest information on the potential boat landing sites provided by OBEC Consulting Engineers with the aid of the *Boat Landing Matrix*, copies of which were provided to all those present.

Vice President Farmer asked if the 'Old Hatchery Fill with Parking' site would only have access from the east.

Mr. Anderson affirmed that this was the concept in the drawing, but he was not certain that it could not be changed.

Regarding the second option for the Goodpasture site, Mr. Anderson related that they had considered an option to move the existing driveway further downstream away from the sight/distance impediment. He believed moving the driveway so that the site could comply with Oregon Department of Transportation (ODOT) standards without adding a center turn lane would substantially increase that sight/distance.

Mr. Wiley related that there had been a request for the Board to discuss an additional site – the location of the existing boat landing which was located in the Water Board Park. He noted that it was located right as cars came off the bridge and it was currently used for recreational purposes. He did not believe it would increase traffic much nor would it interfere with existing traffic patterns. He pointed out that FERC had indicated that expansion of an existing location would be acceptable. He thought the cost would be similar to the Water Board Park proposal, e.g. circa \$500,000. He added that some dredging would be required.

In response to a question from President Simpson, Mr. Wiley reiterated his feeling that FERC would possibly approve of it.

Mr. Anderson stated that the safety rating for the intersection of Leaburg Dam Road and Highway 126 was not in the top five percent. He related that DKF had done research and determined it was not in the top ten percent, which meant it was not rated at all. He noted that Mountain View Lane, the next lane down, was in the top 10 percent.

Commissioner Brown said he had heard that over 30 accidents had occurred at the Goodpasture intersection in the last eight years. He asked if a turn lane would help alleviate that problem. He wondered if it would be possible to get County Road Fund money for a turn lane given that it was potentially a larger problem for area residents.

OBEC Engineer Gary Rayor responded that “three-laning” the highway in front of the Goodpasture property would not likely affect it because the road would taper down before the bridge. He said the expense had not been looked into and neither had the crash history of that intersection. He related that the entrance to that site was more than twice the 800 to 900 feet of distance one would look at for highway safety.

Vice President Farmer asked if the selection of any of these choices would mean that use of Ike’s Landing would discontinue. Mr. Anderson replied that it would continue to be used if EWEB did not close it.

Commissioner Brown ascertained from staff that Ike’s Landing was filling in naturally.

In response to a question from Vice President Farmer, Mr. Berggren said he believed most of the land around the Old Fish Hatchery was owned by Lane County. Mr. Wiley stated that he would confirm this.

## **PUBLIC INPUT**

**John Bennett** preferred the ‘Old Hatchery Elevated Structure with Parking’ site. He had been impressed with the work of OBEC and felt the engineers had answered all of the questions the community had. He passed out copies of his proposed design for the site. He explained that he had taken OBEC’s idea for an elevated boat ramp and cut it down a little, changing the layout so it would be smaller in order to cut costs and to cut the number of boat trailer spaces. He noted that the bus stop on the east side of the dam created problems for people with mobility issues. He suggested that a new bus landing be installed just upriver from the dock. He proposed that overflow parking be installed on the other side of the highway. He estimated the cost to be \$1.45 million.

**David Jensen**, 47818 McKenzie Highway, stated that he drove into town daily and shared concerns regarding traffic problems. He averred that all of the boat landings above and below the proposed sites created traffic issues. He opposed construction of a boat landing at Water Board Park, as he did not believe the bridge could handle an increase in traffic. He described the fishing and boating activities that occurred in that area over the course of the season. He noted that the argument against the Goodpasture location had to do with traffic safety. He quoted from the OBEC study,

page 10, which indicated that minimal improvements would be needed at that site to meet the ODOT requirements. He believed that the difference between building a boat landing at the Water Board Park site with a turn lane and at the Goodpasture site with a turn lane was such that it would be less expensive to develop the Goodpasture site.

**Lynn Wheeling**, Leaburg Dam Road, commended EWEB's staff for working to get tree branches off electrical wires and restoring power to Leaburg Dam Road during the recent snow fall. She also indicated her opposition to the Leaburg Dam site. She was concerned regarding traffic safety. She had seen traffic increase over the years. She underscored that visibility from the highway was not good; the guard rail was a visual hazard. She also had some concern regarding the potential increase in the crime rate that an increase in traffic could bring to such a small area.

**Jim Goodpasture**, 45311 Goodpasture Road, stated that he had resided by the river since 1943 and his family had lived there since 1923. He assumed the Board would do the right thing. He believed that the Goodpasture site would be a good location. He noted that it did not have any insurmountable problems. He stressed that EWEB needed to develop a boat landing that would be a facility that people could use. He did not think the safety issue would go away. Regarding the engineer's recommendation for signalization across the dam, he wished to point out that signals had been installed before on the bridge and then were later removed. He hoped EWEB would build a quality facility because it was needed.

**Steve Schaefer**, 426 5 McKenzie Highway, remarked that he was a river guide who used the river often. He wanted to stress that there was no way he would back a pickup truck into the water at Ike's Landing. He said they rarely put the trailer tires into the water. He thought Ike's Landing could remain open. He preferred the Goodpasture site and had since he had served on the boat landing siting committee for Lane County Parks in the 1990s. He recalled that ODOT representative, Mike Barker, had deemed the Goodpasture Bridge the best site for a boat landing from a traffic management standpoint. He did not think it would need a center turn lane. He underscored that one could see 800 feet looking east and 1400 to 1800 feet looking west at that location. Regarding the other sites, he observed that the Water Board Park and Old Hatchery sites did not have the option for "walk and wade" fishing from shore, but the Goodpasture site offered this option.

**Ken Helfrich**, 42091 McKenzie Highway, noted that he was also a river guide. He had observed an increase in use over the years, a trend which he predicted would continue. He felt the boat landing was an important decision that would affect the river for "hundreds of years to come." He pointed out that there were already two boat landings in Water Board Park, served by the narrow road over the dam. He considered the time that Ike's Landing had been shut down, which had increased traffic across the dam, to be a "nightmare." He supported placing the landing on the Goodpasture site. He added that a plan had already been drawn up for the location.

**Dana Burwell**, 44387 McKenzie Highway, said he had lived on the highway for over 50 years and had been a member of the fire department for 30 years. He stated that Mountain View Lane was not the “hot spot” on the highway. From his experience, he was certain that there were more accidents at the intersection of the highway and the road across the dam. He offered to pull accident data from the 911 files if the Board desired. He related that there had been a number of serious accidents at that intersection. He recalled that there had been signal lights on the dam when he was young. He did not believe that implementing signalization would reduce the traffic impact, as it had not worked earlier. He also did not think that adding another lane and more traffic to the dam road was a good idea. He found the Goodpasture site to be the best option. He added that he would support “almost any” of the other sites over the Water Board Park site.

**Bob ?????** commented that he would “float the river with any of you guys.” He stated that he had been impressed with OBEC Consulting Engineers and EWEB staff had done with the latest report. The level of detail had impressed him. He thought the Water Board Park option would be the easiest to accomplish. He said while the Old Fish Hatchery site would cost more money and take more time, the Goodpasture site would be a “mountain to climb.” He referred the Board to the diagram of sight distances for the Goodpasture site. He averred that the report should be based on 62 miles per hour (MPH) as that was the speed through that stretch of the road driven by 80 percent of the vehicles, according to the traffic study conducted by Access Engineering in 2000. He underscored that this was the realistic speed one should envision people traveling in that stretch of the road. He urged the Board to look at the safety issue. He believed the only safe option for the Goodpasture site would be to build a turn lane into the road, which would push the cost beyond \$4 million.

Commissioner Brown thanked everyone for his or her testimony. He said the Board intended to do “the best” it could.

Vice President Farmer thanked everyone also. He added that he wished there was a solution that would please everyone.

President Simpson extended his thanks for the testimony. He underscored the difficulty of the decision, as there were many competing issues to consider.

### **General Board of Commissioners’ Discussion**

Commissioner Menegat remarked that the first thing he would consider was that the Board had budgeted \$1 million for the boat landing and this would influence the choice of sites. He appreciated the public input and that people came from upriver to testify. He commented that it would be nice if the people could make the decision for the Board and then come up with some money. He stressed that though the Board had spoken of partnerships, no partners had come forward. He said someone had to find the rest of the money. At this point, he was not certain if he favored one site over the other.

Commissioner Menegat stated that the boat landing issue had been with EWEB for a long time. He said EWEB would have to do something. He was less concerned about resolving zoning problems than he was about not going forward with some kind of plan.

Commissioner Brown thanked staff for the additional information. He said if it came down to Water Board Park he agreed with everyone who expressed concern about the dam road. He thought opening up Ballard Road as a second access from the Goodpasture bridge would be the "lesser of two evils." He suggested that the utility bargain with ODOT and Lane County, offer to reduce the risk of the intersection by the dam, and make it a joint project. He added that he was not afraid of the zoning issue for the Goodpasture site. He averred that if they purchased the parcel and lost the zoning battle EWEB could always sell the property.

Mr. Berggren said staff could make an inquiry regarding a partnership with the County.

Commissioner Lanning asked if it would be possible to access the data regarding the 911 responses to accidents. He commended EWEB staff for compiling the matrix, noting that it answered most of the questions that had come up at the previous meeting. He wanted to know if there was any follow-up with regard to the Goodpasture site without the center turn lane.

General Manager Randy Berggren said the open question at present was that moving the driveway would meet the safety requirements at the posted speed limit. He acknowledged that the community had indicated that this was not an accurate measure.

Commissioner Lanning asked if a study could be conducted that would relate to the 62 mph speed. Mr. Anderson responded that moving the driveway would make the project meet safety requirements to a speed of 59 mph. Mr. Berggren added that this would indicate that EWEB would have to build a center lane into the road.

Commissioner Lanning reiterated that the budget had been set at \$1 million. He felt strongly that they had to build something that would be used, however.

Vice President Farmer averred that the Board should come to a tacit understanding on what it would do with the Ike's Landing spot. He felt closing it would drive a lot of traffic across the dam to other sites. He said if he was asked he would prefer to keep Ike's Landing open. Regarding the amount of money that had been budgeted, he indicated that four of the options were within his "tolerance range." He stated that a cost of \$4 to \$5 million was a "non-starter" for me. He believed that safety was an issue at all of the sites; one site was not safer than another. He noted that he did not think it prudent to have parking for the Old Hatchery site across the road from it. He asked the Board to consider whether it was making a decision just to satisfy FERC or was it trying to make a decision about the best use of the river.

President Simpson said in terms of dollar amounts nothing gave him sticker shock except for the \$6 million it would cost to build a turn lane bridge. He underscored that EWEB would ultimately

be asking the ratepayers to pay, though not all of them used the river recreationally. He was strongly leaning toward usability, i.e. a boat ramp that would meet the needs of the majority of river users. He indicated that he was leaning toward the Goodpasture site. Regarding concerns expressed about crime and neighborhood safety, he remarked that while property crimes were deplorable he would prefer that someone not be physically harmed over ensuring their car was not broken into.

President Simpson noted that he had raised questions about the duck feeding site. He said considering that it would take a lot of dredging and the amount of slack water in the area it did not seem like a usable site. He said he needed to be convinced that the Goodpasture site, with no center turn lane, would be workable given that the reality was that people drove faster than the speed limit. Regarding the Old Hatchery site, he was concerned about building structures in the water. He did not believe this would be the smart thing to do. He wanted to choose the site that would cause the least amount of maintenance. Per zoning, he thought EWEB could work through the issues. He felt that FERC would grant EWEB leeway on the timeline if they provided good plans.

Commissioner Menegat thought Vice President Farmer had a good point regarding consideration of what to do with Ike's Landing and the duck feeding area. He noted that Ike's and the lodge area were the access points to the lower lake. He had some concerns about people who were not proficient with boat launching putting in at Ike's Landing. He would not recommend doing anything with the duck feeding area, however.

Commissioner Menegat agreed that when it came down to the budget the Board would decide on a landing site that it determined would serve the community best.

President Simpson recognized County Commissioner Faye Stewart.

Mr. Stewart stated that he had made a formal request to ODOT to consider lowering the speed limit from Vida milepost 26 to the dam site. He indicated he would follow up and see if this was possible. Regarding road funds, he said because of the financial condition of the County and its financial future he could not commit any funds at this time. He added that the County would help where it could. He related that in conversations with local residents at Ike's Pizza the general consensus was that no matter what took place there was a problem with safety that needed to be addressed. He thanked the Board for considering safety in its decision making process.

Commissioner Lanning agreed that the speed limit issue should be pursued. He noted that he did not have an interest in closing Ike's Landing.

Mr. Berggren was unclear what the public sentiment was regarding Ike's Landing. He said staff would do its best to provide enough information for the Board to make a choice of sites. He was not sure he would recommend that the Board make a decision about Ike's Landing prior to the decision on the boat landing site, though he felt it would be helpful to the Commissioners to know their own thinking about it.

Vice President Farmer clarified that a decision to close Ike's Landing would influence his decision on siting the proposed boat landing.

President Simpson preferred to keep Ike's Landing open and to clean up the duck feeding area. He said he would like to hold a meeting upriver on February 22.

Vice President Farmer thought it would benefit the discussion to place a motion on the table.

President Simpson concurred. He said it would be advantageous to go into the discussion with a sense of what was being considered.

Commissioner Brown, seconded by Vice President Farmer, moved to direct the General Manager to direct staff to bring back to the Board information on the feasibility of development of a boat landing at the Goodpasture site and to notify the Federal Energy Regulation Commission that the Goodpasture site is the Eugene Water & Electric Board's preferred site and to give the Federal Energy Regulation Commission a probable timeline to accomplish the land use decisions, the acquisition decisions, and the engineering decisions necessary to accomplish construction of a boat landing at that site.

In response to a question from President Simpson, Commissioner Brown clarified that it was not his intention to include construction of a center turn lane in the discussion at this point.

Commissioner Menegat, seconded by Vice President Farmer, moved to table the motion.

Commissioner Menegat explained that he was still "fact finding" and would have abstained from a vote at the present meeting.

The motion passed unanimously, 5:0.

## **BOARD ADJOURNMENT**

President Simpson adjourned the Special Board Meeting at 8:46 p.m.

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Assistant Secretary

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President