

# A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1542 | FAX 503 797 1793



**METRO**

## Agenda

MEETING: METRO COUNCIL REGULAR MEETING  
DATE: February 5, 1998  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Council Chamber

Approx.  
Time\*

Presenter

- |                     |   |  |
|---------------------|---|--|
| 2:00 PM             | <b>CALL TO ORDER AND ROLL CALL</b>  |  |
| (5 min.)            | 1. <b>INTRODUCTIONS</b>   |  |
| (5 min.)            | 2. <b>CITIZEN COMMUNICATIONS</b>  |  |
| (5 min.)            | 3. <b>EXECUTIVE OFFICER COMMUNICATIONS</b>  |  |
| (10 min.)           | 4. <b>MPAC COMMUNICATIONS</b>   |  |
|                     | 5. <b>CONSENT AGENDA</b>  |  |
| 2:25 PM<br>(5 min.) | 5.1 Consideration of Minutes for the January 22, 1998<br>Metro Council Regular Meeting.   |  |
|                     | 6. <b>ORDINANCES - FIRST READING</b>  |  |
| 2:30 PM<br>(5 min.) | 6.1 <b>Ordinance No. 98-725</b> , For the Purpose of Granting A<br>Yard Debris Processing Facility License to the<br>Minsinger's Floral Nursery Inc. to Operate a Yard<br>Debris Composting Facility. |  |
| 2:35 PM<br>(5 min.) | 6.2 <b>Ordinance No. 98-727</b> , For the Purpose of Amending<br>Ordinances No. 96-647C and No. 97-715B, the Urban<br>Growth Management Functional Plan, to Clarify<br>Compliance Issues.             |  |

- |                      |  |            |
|----------------------|--|------------|
|                      | <b>7. RESOLUTIONS</b>  |            |
| 2:40 PM<br>(5 min.)  | 7.1 <b>Resolution No. 98-2586</b> , For the Purpose of Authorizing the Executive Officer to Execute an Amendment to an Intergovernmental Agreement with the City of Portland Bureau of Environmental Services to Establish Native Vegetation on the Perimeter of St. Johns Landfill.   | Washington |
| 2:45 PM<br>(5 min.)  | 7.2 <b>Resolution No. 98-2592</b> , For the Purpose of Confirming the Reappointment of Gary Conkling to the Metropolitan Exposition-Recreation Commission.   | Naito      |
| 2:50 PM<br>(5 min.)  | 7.3 <b>Resolution No. 98-2596</b> , For the Purpose of Authorizing the Release of a Request for Proposals for Hardware and Software to Refurbish the Computer Network System at the Metro Regional Center.   | McCaig     |
|                      | <b>8. CONTRACT REVIEW BOARD</b>  |            |
| 2:55 PM<br>(5 min.)  | 8.1 <b>Resolution No. 98-2594</b> , For the Purpose of Amending the Contract Between Metro and Performance Abatement Services, Inc. (Contract No. 905855) for Hazardous Material Abatement Services Associated with the Development of a Capital Project at Metro Washington Park Zoo. | Naito      |
| 3:00 PM<br>(10 min.) | <b>9. COUNCILOR COMMUNICATION</b>  |            |

**ADJOURN**

**CABLE VIEWERS:** Council Meetings, the second and fourth Thursdays of the month are shown on City Net 30 (Paragon and TCI Cablevision) the first Sunday after the meeting at 8:30 p.m. The entire meeting is also shown again on the second Monday after the meeting at 2:00 p.m. on City Net 30. The meeting is also shown on Channel 11 (Community Access Network) the first Monday after the meeting at 4:00 p.m. The first and third Thursdays of the month are shown on Channel 11 the Friday after the meeting at 2:00 p.m. and the first Sunday and Wednesday after the meeting on Channels 21 & 30 at 7:00 p.m.

**PUBLIC HEARINGS:** Public Hearings are held on all Ordinances second read and on Resolutions upon request of the public. All times listed on the agenda are approximate; items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

***Agenda Item Number 5.1***

**Consideration of the January 22, 1998 Regular Metro Council meeting minutes.**

**Metro Council Meeting  
Thursday, February 5, 1998  
Council Chamber**

# MINUTES OF THE METRO COUNCIL MEETING

January 22, 1998

Council Chamber

**Councilors Present:** Jon Kvistad (Presiding Officer) Ruth McFarland, Susan McLain, Patricia McCaig, Ed Washington, Lisa Naito, Don Morissette

**Councilors Absent:**

Presiding Officer Kvistad convened the Regular Council Meeting at 5:36 p.m.

## 1. INTRODUCTIONS

None.

## 2. CITIZEN COMMUNICATION

Art Lewellyn, 3205 SE 8th #9 Portland OR, LOTI Designer, reviewed his project of three years. He noted his new developments which included a regional overview adding four trackless trolleys: OHSU, Hillsdale, St. John's, and MLK. He showed the historic streetcars of Portland. He urged consideration of his proposal.

## 3. EXECUTIVE OFFICER COMMUNICATIONS

None.

## 4. MPAC COMMUNICATION

Councilor McLain reviewed the last MPAC meeting which concerned their bylaws and membership. They were also interested in the Affordable Housing Task Force. She had suggested that they fax their ideas to Councilor Washington. She said there was a lengthy discussion about the appeals that had been brought forward on the Regional Framework Plan. She reported there were twelve jurisdictions involved in the litigation. She felt everyone was working toward making sure the Plan was understood.

## 5. CONSENT AGENDA

5.1 Consideration meeting minutes of the January 8, 1998 Regular Council Meeting.

**Motion:** Councilor Washington moved to adopt the meeting minutes of January 8, 1998 Regular Council Meeting.

**Seconded:** Councilor McFarland seconded the motion.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

## **6 ORDINANCES - FIRST READING**

**6.1 Ordinance No. 98-720, For the Purpose of Amending Metro Code Chapter 5.02, Reducing Disposal Fees Charged at Regional Solid Waste Facilities, Establishing a Performance- and Incentive-Based Regional System Charge Credit, Establishing a Transaction Charge, and Making other Related Amendments.**

**Presiding Officer Kvistad assigned Ordinance No. 98-720 to the Regional Environmental Management Committee.**

**6.2 Ordinance No. 98-722, For the Purpose of Amending Metro Code Title X, Metro Regional Parks and Greenspaces, to increase rental fees at Blue Lake Regional Park's Lake House.**

**Presiding Officer Kvistad assigned Ordinance No. 98-722 to Regional Facilities Committee.**

## **7. RESOLUTIONS**

**7.1 Resolution No. 98-2597, For the Purpose of Accepting New Nominees for January 1998 to the Metro Committee for Citizen Involvement.**

**Motion: Councilor McLain moved to adopt Resolution No. 98-2597.**

**Seconded: Councilor Washington seconded the motion.**

**Discussion: Councilor McLain reviewed Resolution No. 98-2597. She asked Aleta Woodruff to come forward as nominating committee chair.**

**Aleta Woodruff, MCCI Vice Chair and Chair of the Nominations Committee, reviewed the four new candidates for MCCI. She said the 5 members of the committee felt confident that they had chosen the best candidates.**

**She said Juanita Crawford, Gresham, would fill a District 1 position. She added that Ms. Crawford was a member of the Gresham Police Citizens' Advisory Committee, the League of Women Voters and a board member of Human Solutions. She could not attend the meeting due to previous engagement.**

**She said that Larry Bisset, who would serve in District 6 Position 7, was currently a member of several advisory and development committees and was a recent resident of the Laurelhurst neighborhood. He also could not attend.**

**Nancy Rangila will serve in District 5 Position 15. She said Ms. Rangila's knowledge of the many organizations she had served in leadership positions would be a great asset to MCCI. She introduced Nancy Rangula.**

**She said the candidate for District 2 Position 6, John Broderick, had an impressive background with the US Department of Energy and had served on many committees, including the CAC of the Washington State Department of Ecology.**

She said there would be more applicants introduced as soon as there had been some more resignations.

**Councilor McFarland** said Bob Wigen, a member of MCCI was unable to attend this meeting. She said they had talked at some length about the new nominees on the telephone the previous evening. He especially endorsed Juanita Crawford and wished that message be related to the Council.

**Councilor McCaig** asked Ms. Woodruff how many candidates were there for each of the vacancy.

**Ms. Woodruff** said there were several candidates for most positions but not all.

**Councilor McCaig** asked Ms. Woodruff to get those figures for her and the turn over rate for the last year.

**Ms. Woodruff** asked council to make recommendations for District 4.

**Councilor McCaig** asked if the nominations and the elections for the chair were held at the same time every year.

**Ms. Woodruff** said yes, in December.

**Councilor McCaig** said that they had gotten the recommendations in early December and it struck her that there was immediate pressure to confirm due to the nominating committee. She asked for more lead time in the future since it was a regular meeting so there wouldn't be so much pressure to get the confirmations done.

**Ms. Woodruff** said they had a difficult time due to the staffing problem. It was difficult to have a shared position. That staff person was in total overload and could not keep up with the work.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

**Councilor Washington** welcomed Ms. Rangula and thanked her for coming.

**Councilor McLain** clarified with Ms. Woodruff that the MCCI retreat was February 21, 1998. She invited the council to attend and asked them to think about issues for discussion there.

**Presiding Officer Kvistad** dismissed the regular meeting and convened the Contract Review Board.

## **8. CONTRACT REVIEW BOARD**

**8.1 Resolution No. 98-2590B, For the Purpose of Authorizing Change Order No. 23 to the Contract for Waste Transport Services.**

**Motion:** Councilor Morissette moved to adopt Resolution No. 98-2590B.

**Seconded:** **Councilor Washington** seconded the motion.

**Discussion:** **Councilor Morissette** said that due to time constraints, the REM meeting dealing with the Jack Gray contracts had been extended to today and ended with a recommendation to pass this "B" version of the Resolution which modified the "A" version. He reviewed the handout which explained the implications of the Resolution and the background. He said basically, it was Jack Gray retiring and selling the business to this new company with the same service level and a stronger agreement. He recommended moving forward with the resolution.

**Councilor Washington** asked the size of the contract.

**Marv Fjordbeck, Legal Counsel**, said \$10 million a year was paid to Jack Gray to carry the garbage to the Arlington disposal site and there were 12 more years on the contract.

**Presiding Officer Kvistad** asked legal counsel if resolutions required a public hearing for the contract review board.

**Mr. Fjordbeck** said no.

**Councilor McCaig** asked **Councilor Morissette** if he was confident that the issues raised specifically about the predators, the upper level management, and the ability of the parent company had been resolved.

**Councilor Morissette** said he was and asked **Mr. Fjordbeck** to respond also.

**Mr. Fjordbeck** said that he had reviewed the loan agreements as well as the firewall that **Councilor Morissette** referred to and he was confident the agreements met the concerns of staff with regard to the 180 day requirement, the protection against diverting assets to the new subsidiary and holding in place for at least 5 years the current management group.

**Mr. Bruce Warner, Director of Regional Environmental Management**, said he concurred with **Mr. Fjordbeck's** comments and added that the change order had additional time to process these kinds of issues in the future.

**Councilor McCaig** wished to be assured that this was the right way and the right time frame.

**Councilor Morissette** said that was a very important point, their timeline was 30 days once they had received the documents. They also desired to meet the needs of their partner.

**Councilor McCaig** said with **Councilor Morissette's** focus on having information early and the background reports being given to Council today for the first time would not be the way she would usually choose to work.

**Councilor McFarland** reiterated **Councilor Morissette's** comments that REM had held business over until today's meeting to include new amendments so she now felt comfortable with the resolution.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

**8.2 Resolution No. 98-2602, For the Purpose of Amending Contract #900825 with ESRI for upgrading the RLIS Data Warehouse.**

**Motion:** Councilor McCaig moved to adopt Resolution No. 98-2602.

**Seconded:** Councilor Washington seconded the motion.

**Discussion:** Councilor McCaig reviewed the resolution for the Council. The Capital Improvement Plan approved upgrading the RLIS system. This made it possible to do that.

Councilor Morissette asked if this would help to make more accurate information.

Councilor McCaig said it would upgrade our ability to access information.

Mr. Dick Bolen, Data Resource Center Manager, said this data warehouse at Metro would have official data in one location for people to access from their desktops. Great efficiencies in updating data were realized.

Councilor McLain said she thought the presentation was very helpful. It explained this upgrade would provide good access and the overall product could be used for additional revenue.

Councilor McCaig said because of the contract there was an extraordinary discount with this deal, totaling almost \$95,000.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

Presiding Officer Kvistad adjourned the Contract Review Board and reconvened the regular meeting of the Metro Council at 6:30 p.m.

Presiding Officer Kvistad asked that Councilor McCaig present her budget calendar. Opportunities for public hearings.

Councilor McCaig noted a calendar draft for the Finance Committee and budget deliberations February through June. There were a variety of different opportunities for public hearings. She wished to finalize the calendar as soon as possible.

Presiding Officer Kvistad asked Council to take a look and get back to Councilor McCaig.

Councilor Naito announced that they would be scheduled a public hearing on the water issues on February 26th.

Councilor Morissette said he thought this was going to be done on Thursdays concurrent with the Council and not on Wednesdays.

Councilor McCaig said only during budget time was it done on Thursdays. Updates would be on the Thursdays.

**9. CITIZEN ADVISORY COMMITTEE PRESENTATION ON RTP UPDATE.**



**Andy Cotugno, Director of Transportation Planning**, turned the presentation over to the Transportation Citizen Advisory Committee. He said they were present to start converting this policy direction to project direction.

**Chuck Becker**, Vice Chair of the Committee stood in for Paul Cook, Chair. He read his statement into the record. (A copy of which can be found in the permanent record of this meeting.)

**Mr. Becker** introduced Ed Gronke for his comments.

**Ed Gronke**, 4912 SE Rinerson Rd. Milwaukie, OR. Cities of Clackamas County Business Representative. He felt the Committee represented a remarkable good cross section of the community. He said the Committee had felt free to question, debate and change the data, make suggestions and recommendations brought by the Council members until some consensus could be reached. He said he was satisfied with the outcome and hoped it could be of good use. He felt the importance of citizen involvement could not be stressed enough throughout the process.

**Joe Wallake**, of Beaverton said he represented the "alternative" transportation methods. He said he sold his car a few years ago. He said he had enjoyed his work with the CAC members and hoped to continue in some volunteer capacity in the future.

**Bill Stewart** 2434 NE 43rd, Portland said he had been the freight delegate since December 1996. He said he was pleased to see their work reflected significantly the perspectives, issues and concerns of the freight industry. He thanked the staff for their exceptional job.

In closing, **Chuck Becker** said that the committee had worked hard and diligently. He said it had been a thought provoking process and a learning experience, a pleasant opportunity to serve the region. He dedicated the idea kit to Charlie Noble who had served on the committee as the business delegate for the cities of Washington County with thanks and admiration.

**Andy Cotugno** thanked the committee for their work. He said there was now a lot of good stuff to pick from and hard decisions to be made. He introduced and thanked staff for their hard work including Pam Peck, Cheri Arthur, Mike Hoglund, Tom Kloster and Rich Ledbetter and Bill Barber. He said the CAC was going to carry the message to other committees in the area.

**Councilor Washington** thanked the Committee for their hard work. He said he knew there would be some great ideas to consider.

**Councilor McCaig** thanked Mr. Becker and the committee and said there had been much movement in the last 3-4 years with leadership in the business community understanding the links between land use and transportation and the growing needs the system had. She said she was worried that there hadn't been public acknowledgment or support of these needs. She said she was curious whether they had encountered any hostility or antagonism towards government spending of transportation dollars.

**Mr. Becker** said yes, there had been some regarding gas tax and license fees. He felt that coordination between jurisdictions could help to maximize the dollars available

**Mr. Gronke** said he agreed completely. He said he had a perception that there was a great amount of public apathy not only here but across the United States. He said even worse than apathy, was the disinterest or lack of desire to be involved or know about it. He said he was concerned about this and had spoken to people about it. He suggested the way to handle it was to keep talking to people about it.

**Anne O'Ryan**, Motorist at Large delegate and Public Affairs Manager for AAA Oregon/Idaho said she received many phone calls about transportation and government issues as public affairs manager. She said the kinds of attitudes seen were a lack of confidence in government overall. The people did not feel that what they thought or had to say made a difference. She said she saw an effort for governments to reach out to the people. She suggested going to where the people are and interfacing with them there, i.e. the state fair or other places.

**Bill Stewart**, Trucking representative, said there had to be a way to get around the issue of the weight and mile tax structure. The industry felt this was an unfair and burdensome tax structure and they wanted to change it. He urged Council to consider ways to do that. He said creative ways needed to be produced to deal with these issues.

**Presiding Officer Kvistad** and **Councilor Washington** presented certificates of appreciation and letters from the Committee Chair to committee members. He said a reception would follow the meeting.

#### 10. COUNCILOR COMMUNICATION

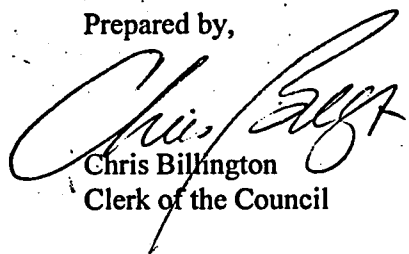
**Councilor Morissette** said the REM Committee was now meeting on Tuesday at 11 o'clock.

**Councilor McLain** invited the public and the council to attend the stream and water workshops next Tuesday and Saturday.

#### 11. ADJOURN

There being no further business to come before the Metro Council, **Presiding Officer Kvistad** adjourned the meeting at 7:05 p.m.

Prepared by,



Chris Billington  
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	Res/Ord Number
012298c-01	February 1998	FY 1998-99 Budget Committee Calendar Draft	TO: Metro Council FROM: Patricia McCaig, Chair of Finance Committee	

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012298c-02	1/22/98	Regional Environmental Management Committee Report Executive Summary on Resolution No. 98-2590	TO: Metro Council FROM: John Houser, Council Analyst	Resolution No. 98-2590B
012298c-03	no date	Executive Summary on Resolution No. 98-2590	TO: Metro Council FROM: Executive	Resolution No. 98-2590B
012298c-04	1/22/98	For the Purpose of Authorizing Change Order No. 23 to the Contract for Waste Transport Services	TO: Metro Council FROM: REM Dept.	Resolution No. 98-2590 <u>A</u>
012298c-05	1/22/98	For the Purpose of Authorizing Change Order No. 23 to the Contract for Waste Transport Services	TO: Metro Council FROM: REM Dept.	Resolution No. 98-2590 <u>B</u>
012298c-06	1/22/98	Finance Committee Report on Resolution No. 98-2602	TO: Metro Council FROM: John Houser, Council Analyst	Resolution No. 98-2602
012298c-07	1/22/98	Comments to the Metro Council from Paul Koch concerning the Regional Transportation Plan	TO: Metro Council FROM: Paul Koch, CAC member	
012298c-08	1/19/98	Letter from Theodore Kyle RTP Citizen Advisory Committee Member concerning RTP	TO: Metro Council FROM: Theodore Kyle, RTP CAC Member	
012298c-09	1/22/98	Regional Transportation Plan Update Public Outreach and Review Chronology	TO: Metro Council FROM: Transportation Planning Dept.	
012298c-10	1/6/98	Regional	TO: Metro	

Transportation  
Plan Update  
Citizen Advisory  
Committee Idea  
Kit

Council FROM:  
Transportation  
Planning Dept.

***Agenda Item Number 6.1***

**Ordinance No. 98-725, For the Purpose of Granting A Yard Debris Processing Facility License to the Minsinger's Floral Nursery Inc. to Operate a Yard Debris Composting Facility.**

***First Reading***

**Metro Council Meeting  
Thursday, February 5, 1998  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING A YARD  
DEBRIS PROCESSING FACILITY LICENSE TO  
MINSINGER'S FLORAL NURSERY, INC. TO OPERATE  
A YARD DEBRIS COMPOSTING FACILITY

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ORDINANCE NO. 98-725

Introduced by Mike Burton,  
Executive Officer

WHEREAS, Section 5.01.030 of the Metro Code requires an owner or operator of a yard debris processing facility to be licensed by Metro; and

WHEREAS, Section 5.01.040 of the Metro Code requires yard debris processing facilities to comply with the licensing requirements in Chapter 5.01; and

WHEREAS, Metro Code Section 5.01.060(a) requires applications for a license to be filed on forms provided by the Executive Officer, and specifies that licenses are subject to approval by the Council; and

WHEREAS, the Minsinger's Floral Nursery has submitted a yard debris processing facility license application to operate its existing yard debris composting facility in West Linn, Oregon; and

WHEREAS, the Metro Code Chapter 5.01.230 to 5.01.380 sets forth provisions relating to the licensing of yard debris processing facilities; and

WHEREAS, Metro Code Section 5.01.110 provides for the ability of Metro Council to grant variances pursuant to criteria contained therein; and

WHEREAS, Minsinger's Floral Nursery has requested a variance from Metro Code Section 5.01.300(a)(1) pertaining to the quarterly reporting requirements as detailed in the Staff Report to this ordinance; and

WHEREAS, Minsinger's Floral Nursery has requested a variance from Metro Code Section 5.01.320 pertaining to the annual license fee as detailed in the staff report to this ordinance; and

WHEREAS, based on information submitted by Minsinger's Floral Nursery, specified in the Staff Report or otherwise submitted, the Executive Officer has found that the facility is in compliance

with applicable provisions and standards in the Metro Code related to the licensing of yard debris processing facilities; and

WHEREAS, the Executive Officer recommends that the Council grant the attached license with the requested variances from the Metro Code, with conditions, to Minsinger's Floral Nursery; now therefore,

**THE METRO COUNCIL ORDAINS AS FOLLOWS:**

1. The Council authorizes the Executive Officer to enter into the attached licensing agreement for a yard debris processing facility.
2. Minsinger's Floral Nursery is granted a variance from the Metro Code Section 5.01.300(a)(1) pertaining to quarterly reporting requirements.
3. Minsinger's Floral Nursery is granted a variance from Metro Code Section 5.01.320 pertaining to the annual license fee.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 1998.

\_\_\_\_\_  
Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

## EXHIBIT A

### YARD DEBRIS COMPOSTING FACILITY LICENSE

issued by

**METRO**

600 N.E. Grand Avenue

Portland, Oregon 97232-2736

(503) 797-1700

LICENSE NUMBER: YD-0598

DATE ISSUED: (see Section 2)

AMENDMENT DATE: N/A

EXPIRATION DATE: \_\_\_\_\_

ISSUED TO: MINSINGER'S FLORAL NURSERY

NAME OF FACILITY: MINSINGER'S FLORAL NURSERY

ADDRESS: 655 ROSEMONT ROAD

CITY, STATE, ZIP: WEST LINN, OREGON 97068

LEGAL DESCRIPTION: (see attached application)

NAME OF OPERATOR: MINSINGER'S FLORAL NURSERY

PERSON IN CHARGE: CHARLES MINSINGER

ADDRESS: 655 ROSEMONT ROAD

CITY, STATE, ZIP: WEST LINN, OREGON 97068

TELEPHONE NUMBER: (503) 636-1843



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## **LICENSE AGREEMENT**

This License is issued by Metro, a municipal corporation organized under the Constitution of the State of Oregon and the 1992 Metro Charter ("Metro"), to Minsinger's Floral Nursery ("Licensee").

In recognition of the promises made by Licensee as specified herein, Metro issues this License, subject to the following terms and conditions:

### **1. DEFINITIONS**

The definitions in Metro Code Section 5.01.010 shall apply to this License, as well as the following definitions. Defined terms are capitalized when used.

**"Composting"** means the controlled biological decomposition of organic materials through microbial activity which occurs in the presence of free oxygen. Composting does not include the stockpiling of organic material.

**"Facility"** means the site where one or more activities that the Licensee is authorized to conduct occur.

**"Hazardous Waste"** has the meaning specified in ORS 466.005.

**"Prohibited Wastes"** has the meaning set forth in Section 5.2 of this License.

### **2. TERM OF LICENSE**

This License is issued for a term of five years from the date signed by Metro and the Licensee, following approval by the Metro Council.

### **3. LOCATION OF FACILITY**

The licensed Facility is located at 655 Rosemont Road, West Linn, Oregon 97068. Tax lot 01600; Section 22, Township 2 South, Range 1 East.

### **4. OPERATOR AND OWNER OF FACILITY AND PROPERTY**

4.1 The owner of the Facility is Charles E. Minsinger.

4.2 The owner of the property underlying the Facility is Charles E. Minsinger.

4.3 The operator of the Facility is Minsinger's Floral Nursery. Licensee may contract with another person or entity to operate the Facility only upon ninety (90) days prior written notice to Metro and the written approval of the Executive Officer.

## **5. AUTHORIZED AND PROHIBITED ACTIVITIES AND WASTES**

**5.1** Subject to the following conditions, Licensee is authorized to operate and maintain a yard debris composting facility.

**5.1.1** Licensee shall accept only yard debris, landscape waste, and clean wood wastes (e.g., untreated lumber, wood pallets). No other wastes shall be accepted at the Facility unless specifically authorized in writing by Metro.

**5.1.2** Licensee shall accept, for processing, yard debris in an amount not to exceed 600 cubic yards per year. This limitation in accordance with the variances from Metro Code Sections 5.01300 and 5.01320 as granted by the Metro Council.

### **5.2 Prohibited Wastes**

**5.2.1** Licensee is prohibited from receiving, processing or disposing of any solid waste not authorized in this License.

**5.2.2** Licensee shall not accept Hazardous Waste. Any Hazardous Waste inadvertently received shall be handled, stored, and removed pursuant to state and federal regulations.

## **6. MONITORING AND REPORTING REQUIREMENTS**

In accordance with the variance granted by the Metro Council, licensee is not subject to certain standard reporting requirements. Licensee is required to monitor facility operations as set forth below:

**6.1** Licensee shall monitor facility operation and maintain accurate records of the following:

**6.1.1** Amount of feedstock received and quantity of product produced at the facility.

**6.1.2** Records of any special occurrences encountered during operation and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures.

**6.1.3** Records of any public nuisance complaints (e.g., noise, dust, vibrations, litter) received by the operator, including:

(a) The nature of the complaint;

(b) The date the complaint was received;

(c) The name, address, and telephone number of the person or persons making the complaint; and

(d) Any actions taken by the operator in response to the complaint.

**6.1.4** For every odor complaint received, the licensee shall record the date, time, and nature of any action taken in response to an odor complaint, and record such information within one business day after receiving the complaint. Records of

such information shall be made available to Metro and local governments upon request.

- 6.2 The licensee shall submit to Metro duplicate copies of regulatory information submitted to the DEQ and local jurisdictions pertaining to the facility, at the same time of submittal to DEQ and/or a local jurisdiction.

## **7. DESIGN AND OPERATIONAL REQUIREMENTS**

- 7.1 Activities shall be conducted in accordance with the Metro approved facility design plan, operations plan and odor minimization plan submitted as part of the License Application. In addition:

7.1.1 To control odor and dust the Licensee shall:

- (a) Install dust control and odor systems whenever excessive dust and odor occur, or at the direction of Metro. Alternative dust and odor control measures may be established by the Licensee with Metro approval.
- (b) Take specific measures to control odors in order to avoid or prevent any violation of this License, which measures include (but are not limited to) adherence to the contents of the odor minimization plan.

7.1.2 With respect to vector control, the Licensee shall manage the Facility in a manner that is not conducive to infestation of rodents or insects. If rodent or insect activity becomes apparent, Licensee shall initiate and implement additional vector control measures.

- 7.2 The Licensee shall provide an operating staff which is qualified to perform the functions required by this License and to otherwise ensure compliance with the conditions of this License.
- 7.3 The licensee shall utilize functionally aerobic composting methods for processing authorized wastes at the facility.
- 7.4 All facility activities shall be conducted consistent with applicable provisions in Metro Code Chapter 5.01: Additional Provisions Relating to the Licensing of Yard Debris Processing Facilities (Sections 5.01.230 - 5.01.380). Licensee may modify such procedures. All proposed modifications to facility plans and procedures shall be submitted to the Metro Regional Environmental Management Department for review and approval. The Executive Officer shall have 10 business days from receipt of proposed modifications to object to such modifications. If the Executive Officer does not object, such modifications shall be considered approved following the 10-day period. Licensee may implement proposed modifications to Facility plans and procedures on a conditional basis pending Metro review and notice from Metro that such changes are not acceptable.
- 7.5 Licensee shall remove compost from the Facility as frequently as possible.

## **8. FACILITY CLOSURE**

- 8.1 In the event of closure of the facility, all yard debris, composting material, end-product, and other solid wastes must be removed from the facility within 180 days following the commencement of closure.
- 8.2 Licensee shall close the facility in a manner which eliminates the release of landscape waste, landscape waste leachate, and composting constituents to the groundwater or surface waters or to the atmosphere to the extent necessary to prevent threats to human health or the environment.
- 8.3 Within 30 days of completion of closure, Licensee shall file a report with Metro verifying that closure was completed in accordance with this section.

## **9. ANNUAL LICENSE FEE**

*In accordance with the variance granted by the Metro Council, licensee is not subject to the annual license fee requirements established under Metro Code Section 5.01.320.*

## **10. INSURANCE**

- 10.1 Licensee shall purchase and maintain the following types of insurance, covering Licensee, its employees, and agents:
- (a) Broad form comprehensive general liability insurance covering personal injury, property damage, and personal injury with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and
  - (b) Automobile bodily injury and property damage liability insurance.
- 10.2 Insurance coverage shall be a minimum of \$500,000 per occurrence, \$100,000 per person, and \$50,000 property damage. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.
- 10.3 Metro, its elected officials, departments, employees, and agents shall be named as **ADDITIONAL INSURED**S. Notice of any material change or policy cancellation shall be provided to Metro thirty (30) days prior to the change or cancellation.
- 10.4 Licensee, its contractors, if any, and all employers working under this License are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Licensee shall provide Metro with certification of Workers' Compensation insurance including employer's liability.

## **11. INDEMNIFICATION**

Licensee shall indemnify and hold Metro, its agents, employees, and elected officials harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with licensee's performance under the license, including patent infringement and any claims or disputes involving subcontractors. Licensee shall

not assume liability for any negligent or intentionally wrongful act of Metro, its officers, agents or employees.

## **12. COMPLIANCE WITH LAW**

Licensee shall fully comply with all federal, state, regional and local laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this License, including all applicable Metro Code provisions whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the operation of the Facility by federal, state or local governments or agencies having jurisdiction over the Facility are part of this License by reference as if specifically set forth herein. Such conditions and permits include those attached as exhibits to this License, as well as any existing at the time of issuance of this License and not attached, and permits or conditions issued or modified during the term of this License.

## **13. METRO ACCESS TO FACILITY**

Authorized representatives of Metro shall be permitted access to the premises of the Facility at all reasonable times for the purpose of making inspections and carrying out other necessary functions related to this License. Access to inspect is authorized during all business hours.

## **14. DISPOSAL RATES AND FEES**

14.1 The rates charged at licensed facilities are exempt from Metro rate setting.

14.2 Licensee is exempted from collecting and remitting Metro fees on waste received at the Facility. Licensee is fully responsible for paying all costs associated with disposal of residual material generated at the facility, including all Metro fees and taxes. A licensee shall obtain a non-system license prior to disposal of residuals at any facility not designated by Metro.

14.3 Licensee shall adhere to the following conditions with regard to disposal rates charged at the facility:

- (a) A licensee may modify rates to be charged on a continuing basis as market demands may dictate. Rate schedules should be provided to Metro on a regular basis, and shall be provided to Metro on request.
- (b) Public rates charged at the facility shall be posted on a sign near where fees are collected. Rates and disposal classifications established by a licensee shall be reasonable and nondiscriminatory.

## **15. GENERAL CONDITIONS**

15.1 Licensee shall be responsible for ensuring that its contractors and agents operate in compliance with the terms and conditions of the license.

15.2 This License shall not vest any right or privilege in the licensee to receive specific quantities of yard debris during the term of the license.

- 15.3 The power and right to regulate, in the public interest; the exercise of the privileges granted by a license shall at all times be vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such legal requirements against licensee.
- 15.4 This License may not be transferred or assigned without the prior written approval of Metro, which will not be unreasonably withheld.
- 15.5 To be effective, a waiver of any term or condition of a license must be in writing, signed by the executive officer. Waiver of a term or condition of a license shall not waive nor prejudice Metro's right otherwise to require performance of the same term or condition, or any other term or condition.
- 15.6 This License shall be construed, applied, and enforced in accordance with the laws of the State of Oregon and all pertinent provisions in the Metro Code.
- 15.7 If any provision of a license is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, the validity of the remaining provisions contained in the license shall not be affected.

## **16. REVOCATION**

Suspension, modification or revocation of this License shall be as specified herein and in the Metro Code.

## **17. MODIFICATION**

- 17.1 At any time during the life of this License, either the Executive Officer or the Licensee may propose amendments or modifications to this License. Except as specified in the Metro Code, no amendment or modification shall be effective unless it is in writing, approved by the Metro Council, and executed by the Licensee and the Executive Officer.
- 17.2 The Executive Officer shall review the License annually, consistent with Section 6 of this License, in order to determine whether the License should be changed and whether a recommendation to that effect needs to be made to the Metro Council. While not exclusive, the following criteria and factors may be used by the Executive Officer in making a determination whether to conduct more than one review in a given year:
- a) Licensee's compliance history;
  - b) Changes in waste volume, waste composition, or operations at the Facility;
  - c) Changes in local, state, or federal laws or regulations that should be specifically incorporated into this License;
  - d) A significant release into the environment from the Facility;
  - e) A significant change or changes to the approved site development plan and/or conceptual design; or
  - f) Any change in ownership that Metro finds material or significant.
  - g) Community requests for mitigation of impacts to adjacent property resulting from Facility operations.

**18. NOTICES**

**18.1** All notices required to be given to the Licensee under this License shall be delivered to:

Charles E. Minsinger  
Minsinger's Floral Nursery  
655 Rosemont Road  
West Linn, Oregon 97068

**18.2** All notices required to be given to Metro under this License shall be delivered to:

Licensing Program Administrator (Yard Debris Facilities)  
Metro Regional Environmental Management Department  
600 N.E. Grand Avenue  
Portland, OR 97232-2736

**18.3** Notices shall be in writing, effective when delivered, or if mailed, effective on the second day after mailed, postage prepaid, to the address for the party stated in this License, or to such other address as a party may specify by notice to the other.

**MINSINGER'S FLORAL NURSERY**

**METRO**

\_\_\_\_\_  
Facility Owner or  
Owner's Representative

\_\_\_\_\_  
Mike Burton, Executive Officer  
Metro

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

BM:ay

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## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 98-725 FOR THE PURPOSE OF GRANTING A YARD DEBRIS PROCESSING FACILITY LICENSE TO THE MINSINGER FLORAL NURSERY INC. TO OPERATE A YARD DEBRIS COMPOSTING FACILITY

Date: January 20, 1998

Presented by: Bruce Warner  
Bill Metzler

## INTRODUCTION

The purpose of this report is to provide the information necessary for the Metro Council to act on the recommendation that the Minsinger Floral Nursery be awarded a license to operate a yard debris composting facility located in West Linn, Oregon. The license agreement is attached to Ordinance No. 98-725 as Exhibit A.

This report is divided into four main parts: (a) a description of the facility and other relevant applicant information; (b) list of submittals; (c) staff analysis of the application and whether the facility meets the standards as specified in Metro Code in order to be awarded a license; and (d) staff's recommendations and specific conditions to be contained in the license agreement.

The purpose of the licensing program is to help ensure that yard debris processing facilities are designed and operated in a manner that minimizes nuisance impacts on surrounding communities and businesses.

### Key Findings and Recommendations Include:

- Staff has reviewed all required submittals and has determined that Minsinger Floral Nursery meets the requirements of the Metro Code related to licensing yard debris processing facilities.
- The applicant has requested variances from the Metro Code Section 5.01.300(a)(1) regarding the requirements for quarterly reports and Metro Code Section 5.01.320 regarding the payment of annual license fees. Staff recommends that the variances be granted with conditions as described in Part III of this staff report and set forth in the Licensing Agreement - Section 5.1.2.
- The terms of the license will protect public health and safety and maintain consistency with the Regional Solid Waste Management Plan. The Metro licensing program includes problem resolution through intergovernmental cooperation, technical assistance and enforcement measures.

## I. FACILITY AND APPLICANT INFORMATION

### Location:

- The site is located south of State Highway 224, north of the Clackamas River, and east of Interstate 205, in Clackamas County (reference Attachments 3 & 4 – Site Location Aerial Photographs).

- Facility address: 655 Rosemont Rd., West Linn, Oregon 97068
- The facility lies in Section 22, Township 25, Range 1 East, Clackamas County Oregon. Tax Lot 01600.

#### Zoning and Permitting:

- The site is zoned Rural Residential Farm Forest (RRFF5). No permits have been required of the applicant from Clackamas County. The facility is located inside the Metro Boundary, but outside the Urban Growth Boundary.

#### General Facility Description:

- The 4.19-acre site is primarily used for a nursery with compost being produced on-site for use in the nursery. Fresh grass clippings, leaves and manure are the feedstocks incorporated into a windrow and composted.
- Approximately 400 cubic yards of material is accepted annually.
- The grass clippings and leaves come from a local landscape company, and the manure comes from a neighbor's horse stable. There is no charge to the landscape company or the neighbor to dispose of these materials at this nursery.
- The incoming feedstocks are mixed together on an asphalt surface and formed into a windrow 7' high x 10' wide x 30' long and aerated daily with a Caterpillar 910 wheel loader to minimize the potential for anaerobic conditions and prevent odors.
- The composting process takes six months to complete. The compost is then stockpiled in an open-sided structure with a roof, and cures for an additional three months. The primary end use of the compost is to provide soil amendment for the nursery operations. Finished compost is also available for sale to landscapers and homeowners.

#### Completeness and Sufficiency of Application

Applicants for yard debris processing facility licenses are required to complete the application form and provide additional information as requested. The license application form and other material required to process the license were submitted and have been determined to be complete and adequate.

#### Applicant Qualifications

The applicant has been using a low-technology compost processing technique for his nursery for over thirty-five years at this location.

## **II. LIST OF SUBMITTALS / STAFF REPORT ATTACHMENTS**

**Attachment 1 - Application for a Yard Debris Processing Facility License**, prepared by Charles Minsinger, owner, dated July 15, 1997 and revised October 1, 1997.

**Attachment 2 - Variance Request**. Letter from Mr. Charles Minsinger dated November 12, 1997,

requesting variances from Metro Code requirements pertaining to licensing yard debris processing facilities.

**Attachments 3 & 4 – Site Location Aerial Photographs.**

**III. ANALYSIS OF LICENSE APPLICATION**

The Metro Code licensing standards are set out in detail in order to establish clear and concise standards for an efficient administrative process. A standardized licensing application form was developed to ensure that the information would be sufficiently detailed to illustrate whether the facility is in compliance with the applicable Metro Code provisions.

Staff have reviewed the license application and other supporting documentation and have found that the facility meets all applicable Metro Code requirements and is eligible for a yard debris processing facility license. The following table summarizes staff's analysis:

Metro Code Licensing Provisions	Acceptable	Unacceptable
5.01.260 General Yard Debris Facility Design Requirements & Design Plans	X	
5.01.270 General Operating Requirements for Yard Debris Facilities	X	
5.01.280 Yard Debris Processing Operations Plan	X	
5.01.290 Yard Debris Facility Odor Minimization Plans	X	

**Variances from the Metro Code**

The applicant has requested two variances from the Metro Code provisions for the licensing of composting facilities.

The request for the variances are in accordance with Metro Code Section 5.01.110, which allows Council to grant specific variances from particular Code requirements. The two variances requested are as follows:

1. Variance to Metro Code Section 5.01.300(a)(1) - Yard Debris Facility Records, quarterly reports.

The applicant requests a variance from the licensing reporting requirements in Metro Code Section 5.01.300. The reporting requirements in this section requires licensees to deliver a quarterly report to Metro describing the quantity of feedstocks accepted for processing. The applicant states that, based on the very limited size and operation of the facility, strict compliance with this requirement would be extremely burdensome and highly impractical. Due to the very small amount of feedstock currently accepted at the facility (under 500 cubic yards per year), staff agrees and recommends that this variance be granted with the condition that the facility operations are not expanded and remain consistent with the license application.

## **2. Variance to Metro Code Section 5.01.320 - Yard Debris Facility Annual License Fees.**

The second request is for a variance to the Metro Code Section 5.01.320 (annual license fees of \$300 per year). The applicant states that, based on the very limited size and operation of the facility, compliance with this requirement would be extremely burdensome and highly impractical. This facility uses nearly all of the compost produced on-site to enhance horticultural production at the nursery. Staff agrees, and recommends that the variance be granted with the condition that the facility operations are not expanded and remain consistent with the license application.

### **Recommendations and specific conditions for granting the variances**

Due to the very limited size and scope of the composting operations, staff recommends that the requested variances be granted with special conditions. As a condition for granting the two variances, the facility and processing operations must remain consistent with the description in the license application. If the facility operations are expanded from that stated in the license application, the applicant must notify Metro and the variances will be re-examined (reference the conditions in the License Agreement Section 5.1.2).

## **V. BUDGET IMPACTS**

Current staffing levels are expected to be adequate to handle any technical assistance or enforcement requirements that might arise from licensing this facility.

## **VI. STAFF RECOMMENDATION**

Based on the foregoing analysis it is the opinion of staff that Minsinger Floral Nursery should be granted a yard debris processing facility license, with the requested variances and conditions, in accordance with the provisions of the License attached to Ordinance No. 98-725 as Exhibit A.

## **VII. EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends adoption of Ordinance No. 98-725.

BM:

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MAIL THIS APPLICATION TO:

DATE RECEIVED BY METRO:

Metro

Attn.: Bill Metzler

Regional Environmental Management

600 N.E. Grand Avenue

Portland, OR 97232-2736

**RECEIVED**

OCT 1 1997

**REVISED**

## LICENSE APPLICATION FORM

METRO REGIONAL  
ENVIRONMENTAL MANAGEMENT

## YARD DEBRIS PROCESSING FACILITY

Check all that apply:

- Yard Debris Composting            *No Branches*
- Other (specify)            *Leaves - Grass - Manure*

Note: This form should not be used for yard debris reload facilities. A separate form for reload facilities is available from Metro.

Date of Application:           7-15-97          **PART 1**

1. NAME OF FACILITY:           Minsingers Floral Nursery            
 Facility Address:           655 Rosemont Rd            
          West Linn Oregon 97068          

## 2. PROSPECTIVE LICENSEE

Public Agency:            Private:   X  Name of Licensee:           Same as above          Mailing Address:   Phone Number:           636-1843

3. OWNER(S) OF PROPERTY

Name:

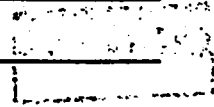
Charles E. Minsinger

Mailing Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone Number:

\_\_\_\_\_



4. SUBCONTRACTOR(S)

Name, address and function of any prospective licensee's facility operation subcontractors:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. SITE LEGAL DESCRIPTION

(Include tax lot(s) descriptions, Section, Township and Range):

Tax Lot 01600 4.19 Acres  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECTION 22 TOWNSHIP 25 RANGE 1 E

6. ZONING

Present Land Use Zone: RS

Restrictions: \_\_\_\_\_  
\_\_\_\_\_

7. Is a conditional use permit necessary for the facility?

Yes \_\_\_\_\_ No X \_\_\_\_\_

If required, has the permit been obtained?

Yes \_\_\_\_\_ No / \_\_\_\_\_

8. PUBLIC HEARING(S)

Date(s) and nature of Public Hearing(s) held or to be held, if any:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. PERMITS ISSUED OR APPLIED FOR

List name and number of all permits (i.e., DEQ Solid Waste Disposal Permit, Conditional Use Permit, National Pollution Discharge Elimination System Permit, Etc.), plus name, address, and contact person at the agency responsible for issuing the permit(s).

Permit(s) Applied for:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Permit(s) Received:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# 10. ESTIMATED QUANTITY OF YARD DEBRIS TO BE ACCEPTED

Annually: 400 cubic yards

Daily: 5 Cu Yds cubic yards

Annually: 132 ? tons (optional)  
wet or dry?

Daily: \_\_\_\_\_ tons (optional)

*Not every day*

## 11. PUBLIC/COMMERCIAL OPERATIONS

Will the facility be open to the public?

Yes X

No \_\_\_\_\_

Will the facility be open to commercial ~~solid waste collectors?~~  
*Landscapers*

Yes X

No \_\_\_\_\_

## 12. OPERATING HOURS AND TRAFFIC VOLUME

OPERATING HOURS	PUBLIC	COMMERCIAL
Hours Per Day	8	8
Days Per Week	7	7
Estimated Vehicles Per Day <i>between 3 and 8 or 10</i>		

13. Does the owner/operator of this facility own, operate, maintain, have a proprietary interest in, or is the owner financially associated with or subcontracting the operation of the facility to any individual, partnership or corporation involved in the business of collecting residential, commercial, industrial or demolition refuse within the boundary of Metro?

Yes \_\_\_\_\_ No X

14. Will the facility be open to solid waste collection companies who collect outside the boundary of Metro?

Yes \_\_\_\_\_ No X



## PART 2

### GENERAL FACILITY DESIGN PLAN

1. Describe how stormwater is managed at the facility.

Mostly, it either soaks into natural soils or runs  
into woods that absorbs excess run off.

a. Is precipitation run-on diverted around the processing area?

Yes X No     

Describe By means of natural or made berms or  
diversionary channels

b. Is run-off from the facility controlled?

Yes X No     

Describe diverted to collecting basin, then pumped  
to spray onto pile of mixed material, to  
maintain a proper amount of moisture content.  
Approx - 60%

2. Describe any barriers that the facility has (or will have) to prevent unauthorized entry and dumping (fencing, gates, locks).

Access driveway goes thru nursery. We are always  
available to watch for loads we don't want, such as  
branches ect.

3. Are there all weather access roads to the site?

Yes X No

4. Does (or will) the facility have scales?

Yes \_\_\_\_\_ No X

5. Does the facility have signs (at entrance, directing traffic flow, public information) ?

Yes X No \_\_\_\_\_

Please describe the location(s) and type of sign(s):

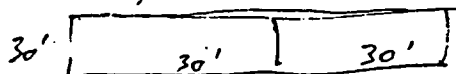
Signs designating what we take, and don't take  
near point of dumping.

6. What is the estimated capacity (cubic yards) of the facility storage area(s) for incoming yard debris waiting to be processed?

over wall is a space about 10' by 50' - about 3 to 6 feet deep

7. What is the estimated capacity (cubic yards) for finished product storage?

Approximately 500 Cu yds Total, under cover and in open area



8. Please describe how you handle, store and remove hazardous or other non-permitted or non-compostable wastes delivered to the facility.

what litter we get, we pick it out by hand and put in  
garbage can Garbage pick up weekly

No hazardous material accepted

## **PART 3**

### **GENERAL OPERATING PLAN**

1. Describe your methods of measuring and keeping records of incoming yard debris.

There is no set method of measuring incoming material.  
In a days time we may get 4 or 5 trailers or  
pick ups, with any where from a garbage bag to 2 or 3  
cu yards of grass or leaves

2. How often are the facility grounds cleaned of litter?

Daily - as we walk around, we pick up straws - Cellophane,  
pop cans ect, and put into garbage can.

3. Describe how you encourage delivery of yard debris in covered loads.

The loads of grass - or leaves are usually wet  
enough that it doesn't blow out of pick ups -

4. Describe how you control the types of materials you receive, and methods for removing, recovering and disposing of non-compostables.

We look over the trailers, pick ups ect, as they come in  
we stop any that has brush.

5. Where do you dispose of non-compostable wastes?

In Garbage Can. There is never any great  
amount of non compostable material.

6. Please give a general description of the steps you take to process yard debris (from delivery to end-product).

Material is Layered into a pile. When  $\frac{1}{2}$  rotted, is moved to another spot as moving material decomposes better if recreated. Also it helps to mix material each time it is ~~used~~ moved

7. What is the maximum length of time required to process each day's receipt of:

- a. ~~Yard debris~~? depending on how much material is received.  
b. Grass clippings? Moving raw material to pile usually takes  
Leaves  
Manure from 20 minutes to  $\frac{1}{2}$  hour - per day.

8. How long does it typically take to process yard debris at your facility (from receipt to finished product)?

About 6 months.

- a. How long do you cure the finished product?

up to 6 months or until it is used or sold

9. If applicable, what are the dimensions of the windrows or piles that are typically constructed at your facility (length, width, height)?

Static Piles are usually 40' by 6 to 8 feet high.  
x 40'

10. How do you manage the windrows or piles? What kind of equipment do you use?

we use a Caterpillar 910 Loader to move or pile.  
Also a Ford 1710 farm tractor with bucket loader

11. Describe how you control the following:

a. Noise (from machinery and equipment):

Loader and tractor have mufflers.  
We work during week day normal business hours  
9 am to 5 pm

b. Vectors (insects, birds, rodents):

Havent seen any rodents, Insects or other  
problems with Varmints  
Occasionally a heron will try to grab a fish  
from one of the ponds.

c. Dust:

Gravel drive way are sprinkled everyday as we  
water shrubs and plants in nursery.

d. Litter:

Hand Picked everyday as noticed in walkaround.

12. Describe the fire prevention, protection and control measures used at the facility.

We have two Wells. Water lines to all parts of  
property. Also we are able to divide piles into  
smaller units with equipment, so as to control  
natural heating.

13. Does (or will) the facility have legible sign(s) at public entrances including:

Name of facility?	Yes <u>X</u>	No <u>    </u>
Name of the operator?	Yes <u>    </u>	No <u>X</u>
Hours of operation?	Yes <u>X</u>	No <u>    </u>
List of materials that will and will not be accepted?	Yes <u>X X</u>	No <u>    </u>
Schedule of charges?	Yes <u>    </u>	No <u>X</u>
Phone number in case of emergency?	Yes <u>X</u>	No <u>    </u>

14. Describe your methods for monitoring and adjusting the following (during processing):

a. Temperature:

Heat Probes to check internal heat.  
Pile has water sprayed onto it at intervals as  
needed to maintain proper moisture content.  
We try to keep moisture content around 60%. Not soggy but damp.

b. Oxygen levels:

Piles are moved occasionally - that mixes and  
aerates material

c. Moisture levels:

We keep piles moist (60%) not soggy

15. In general, what are your plans (existing or proposed) for marketing the finished product?

We will sell to landscapers - or homeowners  
word of mouth advertising and having a superior  
product takes care of amount we have to sell.

## PART 4

### ODOR MINIMIZATION PLAN

1. Generally describe how you handle loads of bad smelling ~~yard debris~~ and grass clippings?

Material is moved from receiving area to pile every evening and mixed with manure so there is no odor problem. Also as material is aerated it naturally takes care of odor.

2. Describe your procedures for receiving, recording and remedying odor complaints or odor problems at the facility.

Have not had any complaints in 35 years of composting. We must be doing something right. Our mixture is just right for a naturally pleasing product to use around home yards.

3. Describe your methods for minimizing and controlling odors at the facility.

Properly mixing materials; moving material periodically.

Area of piles is surrounded by tall fir trees and brush, and prevailing winds dissipate any odor that might occur. No problems

4. Describe your procedures for avoiding delay in processing yard debris during all weather conditions.

Our receiving area is blacktopped so we can work in rain.  
drive ways are gravelled and sprinkled regularly.  
Material is removed from dumping area each  
evening to adjacent pile so no build up at that spot.

5. Prior to turning or moving composted material, describe how the following factors are considered:

- a. Time of day:

usually whenever we have time

- b. Wind direction:

the prevailing wind is from the N.E.  
There are tall trees all around so we are protected  
from wind currents.

- c. Percent moisture:

If it rains we don't have to sprinkle pile.

- d. Estimated odor potential:

None. Prefer Carbon ratio 50% Carbon - shavings  
50% Nitrogen grass-leaves  
We mix manure with shavings with grass  
And/ or leaves in pile

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## LICENSE APPLICANT

I hereby certify that the information contained in this application is true and correct to the best of my knowledge. I agree to notify Metro within 10 days of any change in the information submitted as a part of this application.

Signature and title of person completing this application:

SIGNATURE Charles E. Mensinger TITLE owner

DATE 9-27-97 PHONE 636-1843

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Comment —

our Composting facility is an offshoot of our Nursery business.

We started composting in about 1943 in North Portland in our nursery there, to provide a source of planting mix to use in our Container Trees and shrubs.

We have been at our Rosemont Road address since 1963, and have used some methods as before.

We have a landscaped area of about 2 acres to display how Trees and shrubs grow, and we use about 1/2 or more of our compost to mulch our shrub beds each spring, so don't have a great deal left to sell.

Because, this whole area has heavy clay, the home owners like our compost and planting mix to loosen their soil and provide nutrients.

John Poseid has seen our facility, ask him.

Charles E. Mensinger

# Site legal Description

TAX LOT 01600

4.19 Acres

Section 22

Township 25

Range 1E

Buffam  
Res

open fields

our Home

Woods

Shade Flg Trees  
Retail

Prevailing  
S.W. Winds

North

Container  
Plants

30 X 60  
Covered Pole Bldg

Compost	PL Mix
---------	-----------

Shop

Plants  
Retail

Greenhouse

Plants  
Retail

Drive Way

Path

Main Drive Way

Gravel

Dumping Area

Working  
Compost Pile

Finished  
Compost

Landsaped  
Display  
Gardens  
- 2 Acres -

Dense Fir  
Woods  
& Brush

Larson  
House

Rosemont Rd

Dense Woods  
& Brush

November 12, 1997

Mr. John Foseid  
Compost Projects Coordinator  
Metro Regional Environmental Management  
600 NE Grand Avenue  
Portland, OR 97232

Dear Mr. Foseid:

This letter is in regard to my application for a Metro yard debris compost facility license. I understand that the Metro Code Section 5.01.110 contains provisions for granting specific variances from particular requirements of the Metro Code.

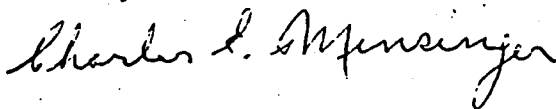
Because of the size and nature of my nursery composting site, I am requesting that the Metro Executive Officer and Metro Council favorably consider and grant me a variance from the following license requirements in the Metro Code:

- Section 5.01.300 Yard Debris Facility Records
- Section 5.01.320 Yard Debris Facility Annual License Fees (\$300 per year)

As you can see from my license application, I accept about 400 cubic yards of material per year. Most of the compost I make is used at my nursery and the rest is sold. I run a very small and simple operation that is part of my nursery. Strict compliance with the Metro Code requirements for facility record reporting and paying the annual license fee will be extremely burdensome and highly impractical for my business.

Thank you for your consideration.

Sincerely,



Charles E. Minsinger  
655 Rosemont Road  
West Linn, OR 97068







**RECEIVED**  
NOV 14 1997  
METRO REGIONAL  
ENVIRONMENTAL MANAGEMENT



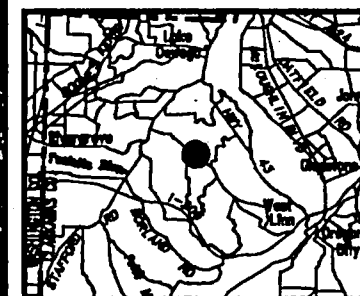
R L I S  
REGIONAL LAND INFORMATION SYSTEM

# Minsinger Nursery

1996 Aerial Photos

-  Metro Boundary
-  Urban Growth Boundary
-  Parks and Open Space
-  Taxlots
-  County Line
-  Subject Property

Scale: 1" = 800'  
0 400 800









**METRO**

600 NE Grand Ave.  
Portland, OR 97232-2738  
Voice 503 797-1742  
FAX 503 797-1809  
Email [drc@metrodot.or.us](mailto:drc@metrodot.or.us)

# Minsinger Nursery

1996 Aerial Photos

-  Metro Boundary
-  Urban Growth Boundary
-  Parks and Open Space
-  Taxlots
-  County Line
-  Subject Property

ROSEMONT RD

Scale: 1" = 200'

0 100 200



METRO

500 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 787-1742  
FAX 503 787-1809  
Email drc@metrodet.or.us

***Agenda Item Number 6.2***

**Ordinance No. 98-727, For the Purpose of Amending Ordinances No. 96-647C and No. 97-715B, the Urban Growth Management Functional Plan, to Clarify Compliance Issues.**

***First Reading***

**Metro Council Meeting  
Thursday, February 5, 1998  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING ) ORDINANCE NO 98-727  
ORDINANCES NO. 96-647C AND NO. )  
97-715B, THE URBAN GROWTH ) Introduced by Councilor McLain  
MANAGEMENT FUNCTIONAL PLAN, )  
TO CLARIFY COMPLIANCE ISSUES )

WHEREAS, the Regional Urban Growth Goals and Objectives were amended in Ordinance No. 95-625A to add the 2040 Growth Concept to Metro's regional goals and objectives; and

WHEREAS, the Urban Growth Management Functional Plan was adopted in Ordinance No. 96-647C to begin implementation of that 2040 Growth Concept; and

WHEREAS, the Regional Framework Plan included the Urban Growth Management Functional Plan in Appendix A, and codified the Functional Plan in Metro Code Chapter 3.07; and

WHEREAS, the Functional Plan became effective on February 19, 1997, and compliance plans demonstrating how each city and county plans comply with the Functional Plan are due in August, 1998; and

WHEREAS, questions about the meaning of "compliance" and "consistency" have been raised as city and county planning continues; and

WHEREAS, five small cities, Table 1 allocations are about .2 of the housing and jobs about 0.3% of the region's land area; and

WHEREAS, the Metro Council desires to clarify compliance issues to assist cities' and counties' preparation of compliance plans; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. The definition of "substantial compliance" is added to Title 10 of the Urban Growth Management Functional Plan at Metro Code 3.07.1000(xx) and in Ordinances 96-647C and No. 97-715B, Appendix A as follows:

"(xx) Substantial Compliance means the comprehensive plans and regulations, on the whole, conform with the purposes of the functional plan requirements and any failure to meet individual functional plan requirements is minor in nature."

Section 2. Compliance procedures in Title 8 of the Urban Growth Management Functional Plan at Metro Code 3.07.820 and in Ordinances No. 96-647C and No. 97-715B, Appendix A amended for the first sentence to read as follows:

“E. Compliance with requirements of this plan shall be substantial compliance which shall not require cities or counties to violate federal or state law, including state-wide land use goals.”

Section 3. Compliance procedures in Title 8 of the Urban Growth Management Functional Plan at Metro Code 3.07.830A and in Ordinances No. 96-647C and No. 97-715B, Appendix A is amended to read as follows:

“A. After February 19, 1997, any amendment of a comprehensive plan or implementing ordinance shall be consistent with the requirements of this functional plan. The purpose of this consistency requirement is to ensure that substantial compliance with the requirements of this functional plan is feasible with the new comprehensive plan provisions or land use regulations. Accordingly, a city or county comprehensive plan or land use regulation meets this consistency requirement if it retains the ability of the city or county to substantially comply with housing and employment targets and other requirements by designating 2040 design type boundaries which substantially comply with the 2040 Growth Concept Map.

Section 4. Title 8, Section 1 in Ordinances No. 96-647C and No. 97-715B, Appendix A is hereby amended to renumber the existing Section 1 as Section 1.A. and add the following new paragraph:

“B. Notwithstanding Section 1.A. of this title, the small cities of Durham, Johnson City, King City, Maywood Park and Rivergrove shall be exempt from the requirements of Title 1, Sections 2, 4, 5 and 6 and Title 8, Section 1.A. and 2. The Table 1 Target Capacities and the Design Type Densities for these cities shall continue to be recommendations. The remaining requirements of this functional plan shall be applicable to any comprehensive plan and implementing ordinance amendments by these cities.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_ 1998.

\_\_\_\_\_  
Jon Kvistad, Presiding Officer

////

////



ATTEST:

Approved as to Form:

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Recording Secretary

---

Daniel B. Cooper, General Counsel

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## METRO

DATE: January 8, 1998

TO: Councilor Naito, Chair  
Growth Management Committee

FROM: *LSS*  
Larry Shaw  
Office of General Counsel

SUBJECT: "Substantial Compliance" and "Consistency" and Small Cities

### Substantial Compliance and Consistency

There has been great interest in the concept of "substantial compliance" with functional plan requirements in the development of Title 3 amendments to accompany the Title 3 Model Ordinance. The Council's resolution on preserving open spaces recognizes the potential for some conflict among Functional Plan requirements. Therefore, application of a new Title 10 definition of "substantial compliance" (developed in the Title 3 process) based on state law and clarification of "consistency" may ease the August, 1998 compliance plan process.

Attached is a proposed definition of "substantial compliance" which comes from the definition in ORS 197.747 for city and county comprehensive plan compliance with statewide land use goals. The issue is whether the purpose of the requirements have been met as a whole. This definition would apply to all Titles of the Functional Plan by the Title 8 amendment.

Questions have arisen about Functional Plan "consistency" for comprehensive plan amendments, generally. Cities have asked about the extent of the Title 8 requirement that all comprehensive plan and land use regulations must be "consistent" with Functional Plan requirements when full compliance is not due until February, 1999 after review of compliance plans in August, 1998. There is a difference between ultimate "compliance" and "consistency" with the Functional Plan prior to full compliance. Discussions have focused on the principle that current amendments at least preserve the status quo, rather than "go backwards," or make later compliance infeasible. Attached is proposed language to add that explanation to the Functional Plan.

### Small Cities Partial Exemption

The very small cities in the proposed exemption have very small household and job targets that make the additional calculations and planning burdensome. Growth Management staff recommends this partial exemption to avoid that planning burden while keeping other requirements applicable when plan changes are made, particularly at periodic review of their plans.

Attachment

LSS/pm

i:\docs\07.p&d\04-2040i.mpl\03ugm\nc.pln\amend.d31

## SMALL CITIES Selected Issues

**Allocations from Table 1**

Jurisdiction	Dwelling Units 2017 allocation	Jobs 2017 allocation	Existing Population, 1995 est.
Durham	262	498	1510
Johnson City	168	180	615
King City	182	241	2170
Maywood Park	27	5	790
Rivergrove	(-15)	41	272
Total	624	965	5357

### Issues

- These allocations equal .2 percent of the dwelling units and jobs allocated in the region. The combined area of these five cities is 725 acres which represents 0.3% of the region.
- King City has a town center designation for its commercial area along Highway 99, bordering Tigard - perhaps they should not be grouped with the other small cities? 55 dwelling units and 184 jobs are allocated to the King City Town Center. The total allocation for the four other cities, less King City, would be 442 dwelling units and 724 jobs.
- Durham was allocated a relatively large number of jobs. They have some designated employment area which adjoins the growing business/power center of Tigard at the Boones Ferry exit of I-5.

### Areas

Title 4: Both Johnson City and Rivergrove have some Employment Area.

Title 2: Maywood Park has some Zone A, along Prescott, but only 2 commercial properties. King City also has some Zone A, around the shopping center along Highway 99.

### Some functional plan requirements which will apply to already built out areas:

Title 1 - Not prohibiting accessory dwelling units in residential zones

Allowing subdivision of large lots

Title 2 - Not requiring more than one parking space for residential (redev/infill)

Title 3 - Not encroaching on wet areas

Title 4 - Amend code to require land use decision for big boxes (Johnson City and Rivergrove)

### **Vacant Land**

<b>Jurisdiction</b>	<b>Gross Vacant acres developed, 1992 - 1995</b>	<b>Percent vacant land remaining</b>	<b>Total acres in the jurisdiction (approximate)</b>
<b>Durham</b>	<b>40</b>	<b>0.1%</b>	<b>268</b>
<b>Johnson City</b>	<b>not listed</b>	<b>not listed</b>	<b>44</b>
<b>King City</b>	<b>0</b>	<b>0.0%</b>	<b>255</b>
<b>Maywood Park</b>	<b>0</b>	<b>0.0%</b>	<b>116</b>
<b>Rivergrove</b>	<b>0</b>	<b>0.1%</b>	<b>42</b>
<b>Total</b>			<b>725</b>

*- From Baseline Urban Growth Data - DRAFT*

*i:\gm\compliance\general\smallcitydata.doc*

***Agenda Item Number 7.1***

**Resolution No. 98-2586, For the Purpose of Authorizing the Executive Officer to Execute an Amendment to an Intergovernmental Agreement with the City of Portland Bureau of Environmental Services to Establish Native Vegetation on the Perimeter of St. Johns Landfill.**

**Metro Council Meeting  
Thursday, February 5, 1998  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING )  
THE EXECUTIVE OFFICER TO EX- )  
ECUTE AN AMENDMENT TO AN )  
INTERGOVERNMENTAL AGREE- )  
MENT WITH THE CITY OF PORTLAND )  
BUREAU OF ENVIRONMENTAL )  
SERVICES TO ESTABLISH NATIVE )  
VEGETATION ON THE PERIMETER )  
OF ST. JOHNS LANDFILL )

RESOLUTION NO. 97-2586

Introduced By Mike Burton  
Executive Officer

WHEREAS, in 1996 Metro entered into an intergovernmental agreement with the City of Portland Bureau of Environmental Services to enhance the riparian areas of St. Johns Landfill and elsewhere in the Smith and Bybee Lakes Management Area by planting native trees and shrubs; and

WHEREAS, it is desirable to plant additional native trees and shrubs at additional locations to enhance riparian habitat and help stabilize the perimeter dike; and

WHEREAS, Metro and the City of Portland have negotiated Amendment #2 to Metro Contract No. 905373 (attached hereto as Exhibit "A") for the purpose of establishing, maintaining, and monitoring this additional vegetation; and

WHEREAS, this resolution was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now therefore,

BE IT RESOLVED, that the Metro Council authorizes the Executive Officer to enter into Amendment #2 to Metro Contract No. 905373, attached as Exhibit "A."

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 1997.

---

Jon Kvistad, Presiding Officer

## **EXHIBIT "A"**

**Metro Contract No. 905373**

### **Amendment No. 2**

The Intergovernmental Agreement between Metro, a metropolitan district organized under the laws of the State of Oregon and the 1992 Metro Charter, and the City of Portland Bureau of Environmental Services, as previously amended by Amendment No. 1, is hereby further amended as follows:

- A. The termination date is changed from December 31, 2000, to December 31, 2003.
- B. For a total sum not to exceed \$67,740 the City of Portland Bureau of Environmental Services shall perform the following tasks:
  1. During 1998, stabilize the banks along Columbia Slough and its North Slough arm including eroded areas with additional native vegetation. Most of this vegetation shall be limited to the area between the unvegetated zone at the toe of the slope and the previously planted vegetation; maintain and monitor this vegetation until and including 2003.
  2. During 1997-1998, experiment with bioengineering techniques (excluding geosynthetics) to stabilize 300 lineal feet of bank at a location mutually agreed upon.
  3. During 1998, establish native vegetation on the engineered dike facing Smith Lake after mutually agreed upon soil preparation by Metro; maintain and monitor this vegetation until and including 2003.
  4. During 1998, establish native vegetation in a bioswale located near the water control structure after this bioswale is designed and constructed by Metro; maintain and monitor this vegetation until and including 2003.
  5. During 1998, experiment with the establishment of native vegetation at the edge of 300 feet of perimeter road at a location or locations agreed upon by Metro and after soil preparation by Metro; maintain and monitor this vegetation until and including 2003.
  6. Between November 1997, and August 1998, establish native vegetation on three benches/terraces constructed by Metro at the toe of the perimeter dike. Location and construction of these benches shall be similar to that proposed by Metro in the applications submitted to regulatory agencies in August 1997; maintain and monitor the vegetation on these benches and two alluvial fans until and including 2003.
  7. During October 1997, perform a mutually agreed upon experimental planting of native vegetation on a portion of the perimeter dike during of after repair of this portion by Metro.

All other terms of the Intergovernmental Agreement and amendments remain in full force and effect.

DATED as of the last signature below

**CITY OF PORTLAND**  
**Bureau of Environmental Services**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_  
Date

DO:clk  
EXHBAMEN.IGA

**METRO**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_  
Date



## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 97-2586 FOR THE PURPOSE OF AUTHORIZING AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PORTLAND BUREAU OF ENVIRONMENTAL SERVICES TO ESTABLISH NATIVE VEGETATION ON THE PERIMETER OF ST. JOHNS LANDFILL

Date: November 12, 1997

Presented by: Bruce Warner, Director  
Regional Environmental Management

## FACTUAL BACKGROUND AND ANALYSIS

In 1996, Metro and the City of Portland Bureau of Environmental Services (BES) entered into an intergovernmental agreement to establish native trees and shrubs at the edge of St. Johns Landfill adjacent to the Columbia Slough. In addition, the agreement covered establishment of native vegetation in the Smith & Bybee Lakes Management Area adjacent to St. Johns Landfill.

Under Amendment No. 2 to this agreement, the Bureau of Environmental Services would perform seven projects at St. Johns Landfill. These projects would include establishing native vegetation on three benches/terraces that Metro constructed in the Columbia Slough. In addition, the BES would experiment with bioengineering techniques to stabilize a section of the perimeter dike, construct a bioswale to reduce erosion in one location; and establish native vegetation in new areas of the landfill perimeter, including the dike overlooking Smith Lake.

This vegetation project is an example of cooperation between Metro and the City of Portland to improve the Columbia Slough and its adjoining wetlands. The BES is re-establishing vegetation along most of the Columbia Slough. They have the expertise necessary to complete the projects in a manner that satisfies City of Portland requirements for vegetation establishment activities in this sensitive environmental zone.

## BUDGET IMPACT

The tasks under this amendment will cost Metro up to \$67,740, most of which would be expended during FY 1997-98 and FY 1998-99. There are sufficient funds for this work in the FY 1997-98 budget and the FY 1998-99 budget (in preparation).

## EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 97-2586.

DO:bjl

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## REGIONAL ENVIRONMENTAL MANAGEMENT COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 98-2586, FOR THE PURPOSE OF AUTHORIZING AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PORTLAND BUREAU OF ENVIRONMENTAL SERVICES TO ESTABLISH NATIVE VEGETATION ON THE PERIMETER OF ST. JOHNS LANDFILL

-----  
Date: January 25, 1998

Presented by: Councilor McFarland

Committee Recommendation: At its January 20 meeting, the Committee considered Resolution No. 98-2586 and voted unanimously to send the resolution to the Council with a do pass recommendation. Voting in favor: Councilors McFarland, McLain and Chair Morissette. Councilor Washington was absent.

### Background

In 1996, Metro entered into an agreement with the City of Portland's Bureau of Environmental Services (BES) for the bureau to establish native vegetation along various portions of the perimeter of the St. Johns Landfill. This resolution amends the agreement to outline the specific projects and work that BES will perform.

There are a total of seven projects. Some will be experimental in nature including the use of bioengineering techniques to stabilize a portion of the perimeter dike and construction of a bioswale to reduce erosion along the dike. In addition to installing the proposed vegetation, the amendment provides that BES will maintain and monitor the status of the vegetation through the year 2003. The cost of the project through FY 1998-99 will be up to \$67,740. Funding for the project will come from the St. Johns Closure Account which has a current balance of about \$4 million.

Committee Issues/Discussion: Due to time constraints at the committee meeting, the Chair asked if the committee members needed a staff report on the proposed resolution. Both Councilors McFarland and McLain indicated that they had reviewed the staff report and related materials. Councilor McFarland noted that she had followed this project for several years and that she supported the proposed project. Councilor McLain also indicated her support. The Chair dispensed with the staff report and the committee voted the resolution out of committee.

***Agenda Item Number 7.2***

**Resolution No. 98-2592, For the Purpose of Confirming the Reappointment of Gary Conkling to the  
Metropolitan Exposition-Recreation Commission.**

**Metro Council Meeting  
Thursday, February 5, 1998  
Council Chamber**

**BEFORE THE METRO COUNCIL**

<b>FOR THE PURPOSE OF CONFIRMING</b>	<b>)</b>	<b>RESOLUTION NO. 98-2592</b>
<b>THE REAPPOINTMENT OF GARY CONKLING</b>	<b>)</b>	
<b>TO THE METROPOLITAN EXPOSITION</b>	<b>)</b>	<b>Introduced by Mike Burton</b>
<b>RECREATION COMMISSION</b>	<b>)</b>	<b>Executive Officer</b>

WHEREAS, The Metro Code, Section 6.01.030, provides that the Council confirms members to the Metropolitan Exposition Recreation Commission; and

WHEREAS, Washington County appointee, Gary Conkling's term expires January 16, 1998; and

WHEREAS, The Washington County Board of Commissioners has provided notice of the nomination of Gary Conkling to serve on the Metropolitan Exposition Recreation Commission, and

WHEREAS, The Executive Officer has accordingly appointed Gary Conkling to serve the term which shall expire January 15, 2002; and

WHEREAS, The Council finds that Gary Conkling has the experience and expertise to engender confidence in the likelihood that his membership will result in a substantial contribution to the work of the commission; now, therefore,

**BE IT RESOLVED,**

That Gary Conkling is hereby confirmed for appointment as a member of the Metropolitan Exposition Recreation Commission for the term beginning immediately and ending January 15, 2002.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

---

Jon Kvistad, Presiding Officer

797-1797

mtg.

## AGENDA

OFF-DOCKET

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Appointments to Boards and CommissionsAgenda Title: METROPOLITAN EXPOSITION RECREATION COMMISSIONPresented by: Charles D. Cameron, County Administrator**SUMMARY (Attach Supporting Documents if Necessary)**

The term for the Metropolitan Exposition Recreation Commission representative will expire January 16, 1998.

Metro Code provisions describing the appointment process to the Metropolitan Exposition Recreation Commission state, in part, that "For those positions on the Commission which are subject to nomination by a local governmental body, the Executive Officer will receive the nominations from the relevant governing body and review the nomination prior to submitting the nomination to the Metro Council for confirmation".

The current representative, Gary Conkling, has expressed an interest in serving another term.

**DEPARTMENT'S REQUESTED ACTION:**

Due to time constraints, staff requests that your Board waive the policy on committee vacancy announcements, nominate Gary Conkling as Washington County's representative to the Metropolitan Exposition Recreation Commission, and notify the Commission of your selection.

**COUNTY ADMINISTRATOR'S RECOMMENDATION:**

APPROVED WASHINGTON COUNTY  
BOARD OF COMMISSIONERS

MINUTE ORDER # 97-501DATE 10-28-97BY Barbara Heitmaek  
CLERK OF THE BOARD

Agenda Item No. \_\_\_\_\_

Date: \_\_\_\_\_

## **STAFF REPORT**

### **CONSIDERATION OF RESOLUTION 98-2592 FOR THE PURPOSE OF CONFIRMING THE REAPPOINTMENT OF GARY CONKLING TO THE METROPOLITAN EXPOSITION-RECREATION COMMISSION**

---

Date: December 8, 1997

Presented by: Mike Burton, Executive Officer

## **BACKGROUND**

Metro ER Commission appointments under Ord. No. 90-339 provided for four year terms with staggered term expiration dates.

Gary Conkling's four year Metro ER Commission appointment expires on January 16, 1998.

Mr. Conkling has served as the Washington County representative to MERC, and has expressed an interest in serving for another term.

Mr. Conkling is a knowledgeable and committed committee member. Metro and the region will be well served by his reappointment for a term which will expire on January 15, 2002.

## **EXECUTIVE OFFICER RECOMMENDATION**

The Executive Officer recommends the reappointment of Gary Conkling to the Metro ER Commission.

**REGIONAL FACILITIES COMMITTEE REPORT**

**CONSIDERATION OF RESOLUTION NO. 98-2592, FOR THE PURPOSE OF  
CONFIRMING THE REAPPOINTMENT OF GARY CONKLING TO THE  
METROPOLITAN EXPOSITION-RECREATION COMMISSION.**

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**Date: January 27, 1998**

**Presented by: Councilor Naito**

**Committee Action:** At its January 20, 1998 meeting, the Regional Facilities Committee unanimously recommended Council adoption of Resolution No. 98-2592. Voting in favor: Councilors McCaig, McFarland and Naito.

**Council Issues/Discussion:** Councilor McCaig stated that since this appointment was based on a (Washington) county recommendation, rather than coming to committee with no predetermined designation, she would forgo questions at the committee level. However, she might have some when this resolution reached Council level. Mr. Conkling was invited to be present at that time.

***Agenda Item Number 7.3***

**Resolution No. 98-2596, For the Purpose of Authorizing the Release of a Request for Proposals for Hardware and Software to Refurbish the Computer Network System at the Metro Regional Center.**

**Metro Council Meeting  
Thursday, February 5, 1998  
Council Chamber**



FOR THE PURPOSE OF AUTHORIZING THE )  
RELEASE OF A REQUEST FOR PROPOSALS )  
FOR HARDWARE AND SOFTWARE TO )  
REFURBISH THE COMPUTER NETWORK )  
SYSTEM AT THE METRO REGIONAL )  
CENTER. )

RESOLUTION NO. 98-2596

Introduced by Mike Burton,  
Executive Officer

WHEREAS, Metro is in the business of providing information which requires the continuous use of complex computers; and

WHEREAS, computers rely on a network infrastructure to move information from centralized computers to individual work stations; and

WHEREAS, Metro's network infrastructure is outdated and is in need of refurbishing in the current year; and

WHEREAS, the revised and adopted Capital Improvement Plan includes the funds necessary for this project; and

WHEREAS, this project was not listed in the FY 1997-98 budget and the Council has determined that this has a significant impact on Metro, therefore, it is forwarded to the Council for authorization in accordance with Metro Code 2.04.026 (b). Now, therefore,

BE IT RESOLVED,

1. That the Metro Council authorizes the Executive Officer to release the RFP attached.
2. That the Metro Council, pursuant to Section 2.04.026(c) of the Metro Code, authorize the Executive Officer to execute a contract with the most responsible, responsive bidder with the most advantageous proposal in accordance with the requirements of the Metro Code.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

---

Presiding Officer

Approved as to form:

---

Daniel B. Cooper, General Counsel

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## **STAFF REPORT**

FOR THE PURPOSE OF AUTHORIZING THE RELEASE OF A  
REQUEST FOR PROPOSALS FOR HARDWARE AND  
SOFTWARE TO REFURBISH THE COMPUTER NETWORK  
SYSTEM AT THE METRO REGIONAL CENTER.

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Date: January 21, 1998

Presented by: IT Strategy Team

### **PROPOSED ACTION**

Adopt Resolution No. 98-2596 authorizing a release of Request for Proposals and execution of the resulting contracts by the Executive Officer, for the purchase of hardware and software necessary to upgrade and refurbish Metro's network infrastructure.

### **FACTUAL BACKGROUND AND ANALYSIS**

For several years, Information Services staff have performed an excellent job of piecing together a network connection between desktop computers and servers, with limited funding. This connection uses "routers" and "switches" to direct electronic impulses from the user's desk top computer to the server (a centralized computer) and back. Increasing demands on this complex network infrastructure have caused diminishing performance and utility. The current infrastructure is six years old and cannot support the high speed of today's computer systems. As new technology is brought into Metro, the situation deteriorates further. Staff who rely heavily on computers are experiencing delays due to the complexity of the current infrastructure.

Information from outside also travels through the same overburdened network infrastructure. Therefore, doing electronic business outside Metro, such as telecommuting and E-mail lags in performance.

Because Executive Officer Burton was concerned about the necessity of this project, he placed together an Information Technology Policy Team to study this project and formulate Metro's strategic information plan. The IT Team, consisting of managers from each department, recommends immediate replacement of the network infrastructure. A long term strategic plan is being developed to assure proper scheduling and budgeting of hardware and software in the future.

The advantages of upgrading and refurbishing the network are the following:

- Users benefit from increased performance of network.
- Provides capacity and speed required by new software and hardware including Travel Forecasting and Data Resource Center's data warehousing needs.
- Provides for fault tolerant hardware. (Less likely to crash with heavy use).
- Improves "firewall". (Makes internal data more secure from outsiders).
- Facilitates telecommuting and electronic business.
- Office moves will no longer require rewiring of communication closets.
- Frees up office space now being used as machine rooms.

The hardware and software proposed is expected to cost approximately \$135,000. Placing this on a FlexLease for three years presents the advantages of allowing federal grants to pay a portion of the expense and stabilizing the cost over three years. Grants will not fund direct capital outlays. Assuming a cost of \$135,000, the FlexLease cost \$51,650 a year for three years. Because departments are experiencing serious problems accomplishing their work due to the current systems deficiencies, Transportation, Growth Management and Regional Environmental Management have agreed to pay the first year installment out of the current year budget at approximately \$17,200 each. These three departments have identified savings in other areas within their current budgets to pay first year costs. Hereafter, the funds to pay for the lease will be included in the Administrative Services Department budget as per the adopted CIP and allocated equitably to all departments.

Please note that this equipment has a four to five year life span. Therefore, the IT Team recommended that the CIP include an infrastructure replacement in four to five years. Using the FlexLease will help maintain a consistent outflow of funds for infrastructure hardware and software and allow Metro to recover a portion of the cost from grants.

Council was provided a briefing of this project as part of the Capital Improvement Plan. This project was presented with the CIP in order for the CIP to be updated to include this project. Council members expressed support of this project but wanted additional budget information.

The Council must also approve adding this project to the FlexLease at a later date.

**BUDGET IMPACT**

The expected cost in Fiscal Year 1997-98 is \$51,650. The overall project is expected to cost \$154,950 over the next three years.

**EXECUTIVE OFFICER RECOMMENDATION**

The Executive Officer recommends approval of Resolution No. 98-2596.

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**REQUEST FOR PROPOSALS**  
**FOR**  
**NETWORK UPGRADE FOR METRO REGIONAL CENTER**

**I. INTRODUCTION**

Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 600 NE Grand Avenue, Portland, OR 97232-2736, is requesting proposals to upgrade the existing data network in its Regional Center building. Proposals are due no later than 3 p.m., December 12, 1997 in Metro's Data Resource Center at 600 NE Grand Avenue, Portland, OR 97232-2736. Details concerning the project and proposal are contained in this document.

**II. BACKGROUND/HISTORY OF PROJECT**

As Metro has implement powerful, high-speed computers to boost the efficiency and productivity of its staff, and as the use of network based groupware products, finance & accounting packages, GIS resources and the Internet has become an essential tool in daily work, Metro's 7 year old computer network has come under increasing strain. Major new systems and dozens of new workstations are being acquired which will be capable of 100baseT ethernet connections. Metro seeks to take maximum advantage of these new systems by implementing a high-speed, switched network in its Regional Center building.

Physical layout of the Metro building includes two (2) main data closets, one (1) at the north end of the building and one (1) at the south end and one (1) machine room adjacent to the south main data closet.

The current network consists of a FDDI ring connecting servers in the machine room and two (2) 10baseT layer2 switches, one (1) in each data closet. These switches are connected to an array of 10baseT hubs which in turn are connected to workstations throughout the building. Except for the fiber used for the FDDI ring, all wiring in the building is Category 5 UTP.

**III. PROPOSED SCOPE OF WORK AND SCHEDULE**

Metro is seeking proposals from qualified firms to provide a cost effective, integrated, and expandable solution for improving the performance of the network, protecting Metro network resources, and providing approved access to remote users, in the following three areas:

**A. Switched Network.**

**Network structure requirements:**

- Utilize existing Category 5 UTP cable in the building
- Implement a switched network which supports rule based VLANs built on: Physical Port, MAC address, Protocol, IP/IPX address and/or custom rules
- Ability to extend VLANs to remote locations over a WAN
- Support for IP, IPX and AppleTalk protocols
- Support for DHCP, BOOTP
- Integrated routing of IP & IPX
- ATM OC3, OC12 or Gigabit Ethernet network backbone between closets
- Minimum of 72 10/100baseT switched ethernet ports (36 per closet) for connecting servers and high-speed workstations
- Minimum of 64 10baseT switched ethernet ports (32 per closet) for connecting existing 10baseT hubs
- Minimum of 8 ports for T1-speed Frame Relay or Point-to-Point connections
- N+1 redundant hot-swappable power supplies and cooling fans

- Management software
- Integration with established firewall products
- Integration with established modem server products

**Upgrade-ability:**

- Headroom to double the number of 10/100baseT switched ethernet ports within 12 months, then to double the total number again within 24 months.
- Clear migration path to Gigabit ethernet within 18 months
- Network Address Translation option must be available within 6 months

**Training:**

- Minimum of four (4) person/days of training for Metro IT staff

**Support & Maintenance:**

- Must provide phone support five days/week, 8 a.m. to 5 p.m. minimum, and next-day shipping of replacement parts. Proposals must include cost of 3 years' maintenance for portion not covered by warranty (e.g. what maintenance would cost in second and third years).

**B. Internet/Intranet Firewall.****Desired Functionality:**

- Time-based access control
- Network Address Translation
- Authentication (RADIUS, OS password, etc.)
- 300 user license
- Content screening (including anti-virus, URL, Java/Active X screening)
- Application proxies, circuit gateways and/or stateful inspection
- Integration with switched network
- Integration with modem pool

**C. Modem Pool****Desired Functionality:**

- Support for IP, IPX, and ARA protocols
- Provides PPP or terminal service
- Speeds up to 33.6Kbps required (no proprietary 56K solutions, please)
- Integration with firewall

**IV. QUALIFICATIONS/EXPERIENCE**

Vendor must have completed two similar network installations and provide one reference at each site.

**V. PROJECT ADMINISTRATION**

Vendor will be responsible for delivery, installation and on-site configuration at time of delivery. Metro will be responsible for site preparation.

**VI. PROPOSAL INSTRUCTIONS****A. Submission of Proposals**

All proposals must be clearly marked "Metro Network Upgrade" and contain all information required by the written RFP.

Proposals are due at Metro, 600 NE Grand Avenue, Portland, Oregon 97232-2736. Attention: Tony Paolucci, Growth Management Department. The RFP is available at the above address or by calling (503) 797-1607.

**B. Deadline**

Proposals will not be considered if received after 3 p.m., December 12, 1997. Postmarks NOT accepted.

**C. RFP as Basis for Proposals**

This Request for Proposals represents the most definitive statement Metro will make concerning the information upon which Proposals are to be based. Any verbal information which is not addressed in this RFP will not be considered by Metro in evaluating the Proposal. All questions relating to this RFP should be addressed to Tony Paolucci at (503) 797-1607. Any questions, which in the opinion of Metro, warrant a written reply or RFP amendment will be furnished to all parties receiving this RFP. Metro will not respond to questions received after December 12, 1997.

**D. Information Release**

All proposers are hereby advised that Metro may solicit and secure background information based upon the information, including references, provided in response to this RFP. By submission of a proposal all proposers agree to such activity and release Metro from all claims arising from such activity.

**E. Minority and Women-Owned Business Program**

In the event that any subcontracts are to be utilized in the performance of this agreement, the proposer's attention is directed to Metro Code provisions 2.04.100 & 200.

Copies of that document are available from the Risk and Contracts Management Division of Administrative Services, Metro, Metro Center, 600 NE Grand Avenue, Portland, OR 97232 or call (503) 797-1717.

**VII. Proposal Contents**

Vendors may submit for any sub-sections (A, B, C) under Scope of Work separately. The proposal should contain not more than 20 pages of written material (excluding biographies and brochures, which may be included in an appendix). The proposal should be submitted on recyclable, double-sided recycled paper (post consumer content). No waxed page dividers or non-recyclable materials should be included in the proposal.

- A. Transmittal Letter: Indicate that the proposal will be valid for ninety (90) days.
- B. One proposed solution (including options).
- C. Should include incremental costs for cabinets, expansion cards, power supplies, software, memory, etc.
- D. Must include all software costs, initial and recurring, broken down by section of the Scope of Work.
- E. Must include any installation and maintenance costs.
- F. Vendors must provide a clearly labeled diagram or set of diagrams showing configuration of components, including vacant expansion slots.

**VIII. GENERAL PROPOSAL/CONTRACT CONDITIONS**

A. **Limitation and Award:** This RFP does not commit Metro to the award of a contract, nor to pay any costs incurred in the preparation and submission of proposals in anticipation of a contract. Metro reserves the right to waive minor irregularities, accept or reject any or all proposals received as the result of this request, negotiate with all qualified sources, or to cancel all or part of this RFP.

B. **Billing Procedures:** Proposers are informed that the billing procedures of the selected firm are subject to the review and prior approval of Metro before reimbursement of services can occur. Contractor's invoices shall include an itemized statement of the work done during the billing period, and will not be submitted more frequently than once a month. Metro shall pay Contractor within 30 days of receipt of an approved invoice.



C. **Validity Period and Authority:** The proposal shall be considered valid for a period of at least ninety (90) days and shall contain a statement to that effect. The proposal shall contain the name, title, address, and telephone number of an individual or individuals with authority to bind any company contacted during the period in which Metro is evaluating the proposal.

D. **Conflict of Interest.** A Proposer filing a proposal thereby certifies that no officer, agent, or employee of Metro or Metro has a pecuniary interest in this proposal or has participated in contract negotiations on behalf of Metro; that the proposal is made in good faith without fraud, collusion, or connection of any kind with any other Proposer for the same call for proposals; the Proposer is competing solely in its own behalf without connection with, or obligation to, any undisclosed person or firm.

## IX. EVALUATION OF PROPOSALS

A. **Evaluation Procedure:** Proposals received that conform to the proposal instructions will be evaluated. The evaluation will take place using the evaluation criteria identified in the following section. Interviews may be requested prior to final selection of one firm.

B. **Evaluation Criteria:** This section provides a description of the criteria which will be used in the evaluation of the proposals submitted to accomplish the work defined in the RFP.

### 1. Network structure.

Score	Component	Points
___	Integration of components	20
___	Management Software	10
___	Fault Tolerance	10
___	Upgrade-ability	20
___	Firewall integration	15
___	Modem pool integration	5
___	Cost	20
___	<b>TOTAL</b>	<b>100</b>

### 2. Firewall

Score	Component	Points
___	Features and flexibility	25
___	Management Software	10
___	Appropriateness for Metro's environment	20
___	Network integration	15
___	Modem pool integration	5
___	Cost	25
___	<b>TOTAL</b>	<b>100</b>

### 3. Modem Pool

Score	Component	Points
___	Features and flexibility	30
___	Management Software	20
___	Network integration	5
___	Firewall integration	15
___	Cost	30
___	<b>TOTAL</b>	<b>100</b>

## FINANCE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 98-2596, FOR THE PURPOSE OF AUTHORIZING THE RELEASE OF A REQUEST FOR PROPOSALS FOR HARDWARE AND SOFTWARE TO REFURBISH THE COMPUTER NETWORK SYSTEM AT THE METRO REGIONAL CENTER

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Date: January 25, 1998

Presented by: Councilor McCaig

Committee Recommendation: At its January 21 meeting, the Committee considered Resolution No. 98-2596. At this meeting, the committee voted 5-0 to send the resolution to the Council with a do pass recommendation. Voting in favor: Councilors Kvistad, McLain, Naito, Washington and Chair McCaig. Councilors McFarland and Morissette were absent.

### Committee Issues/Discussion

Dick Bolen, Data Resource Center Manager, presented the staff report. He indicated that the purpose of the resolution was authorize staff to release a request for proposals (RFP) to replace the current "routers" and "switches" that tie the desktop computers and the "servers" at Metro Regional Center.

In an earlier presentation, Mr. Bolen had reviewed the nature of Metro's computer system and network. He noted that the current router and switching system was six years old and had never been substantially upgraded. As Metro has acquired newer high speed computer technology, this equipment has placed increasing demands on the Metro system. As a result, the system's performance has declined and the number of delays encountered in performing work have increased.

Bolen indicated that it had been staff's intent to upgrade the router and switching system during FY 98-99, but that support needs of several new computers recently purchased by Metro caused staff to move up the implementation date. Bolen noted that the Council had already amended the Capital Improvement Plan to authorize completion of the upgrade during the current fiscal year. The proposed resolution simply begins this process by releasing the RFP for the project. The equipment will be acquired through a three-year flex lease. The total project cost will be \$154,950. The first years' payments (\$51,650) have already been budgetted.

***Agenda Item Number 8.1***

**Resolution No. 98-2594, For the Purpose of Amending the Contract Between Metro and Performance Abatement Services, Inc. (Contract No. 905855) for Hazardous Material Abatement Services Associated with the Development of Capital Project at Metro Washington Park Zoo.**

***Contract Review Board***

**Metro Council Meeting  
Thursday, February 5, 1998  
Council Chamber**

BEFORE THE CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AMENDING THE )  
CONTRACT BETWEEN METRO AND )  
PERFORMANCE ABATEMENT SERVICES )  
INC. (CONTRACT NO. 905855) FOR )  
HAZARDOUS MATERIAL ABATEMENT )  
SERVICES ASSOCIATED WITH THE )  
DEVELOPMENT OF A CAPITAL PROJECT )  
AT METRO WASHINGTON PARK ZOO )

RESOLUTION NO. 98-2594

Introduced by

Mike Burton  
Executive Officer

WHEREAS, Metro executed Contract No. 905855 with Performance Abatement Services, Inc., on July 29, 1997; and

WHEREAS, additional areas within the Feline Building have been tested and found to have paint requiring abatement before the building can be partially demolished; and

WHEREAS, Performance Abatement Services, Inc., was significantly lower than other bidders responding to the original scope of work, which contains similar elements; and

WHEREAS, Performance Abatement Services, Inc., is available, on site and experienced, enabling them to provide services at a lower price than other bidders; and

WHEREAS, resources are budgeted and available; and

WHEREAS, the Metro Washington Park Zoo has established that Performance Abatement Services, Inc., has performed previous work as specified and satisfactorily within the terms of the contract and provides these services in a cost effective and efficient manner; and

WHEREAS, the Metro Council as Public Contract Review Board declares that it is in the public's interest for this work on the zoo capital project to move forward in the most expedient manner, accepts these findings and waives competitive bidding; and now, therefore,

BE IT RESOLVED,

That the Metro Contract Review Board authorizes the execution of Change Order No. 2 to Contract No. 905855 with Performance Abatement Services, Inc., pursuant to the terms of Metro Code Section 2.04.046 by increasing the contract value by \$39,400.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
Jon Kvistad, Presiding Officer

Approved as to Form:

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

JM:rs

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**CHANGE ORDER NO. 2**

**PUBLIC CONTRACT FOR HAZARDOUS MATERIAL ABATEMENT**

**METRO WASHINGTON PARK ZOO  
OREGON PROJECT**

This Change Order No. 2 amends Metro Contract No. 905855 which is dated July 29, 1997, by and between Metro and Performance Abatement Services, Inc. for services related to the Metro Washington Park Zoo Oregon Project ("Agreement"). This Change Order is effective \_\_\_\_\_.

The parties, for the consideration hereinafter identified, agree as follows:

1. Contractor shall provide all labor, equipment and material as necessary to complete the Metro Washington Park Zoo scope of work for the Oregon Project as described herein. The scope of work for general purposes includes:

Complete removal of green/tan asbestos-containing masonry paint from areas on the interior of the Feline Building, and tan asbestos-containing masonry paint from the exterior grottos 5 and 6 as indicated on the drawing (Exhibit "A" dated December 9, 1997 of the Change Order #1 Proposal Form). The work includes dismantling of equipment, fixtures and other items as necessary to gain access to interior green paint and exterior tan paint. Dismantled items will be disposed of by others.

**Change Order 2 Total: \$39,400.00**

Contractor shall complete all work associated with this Change Order within thirty (30) calendar days of the issuance of a notice to proceed.

2. Except for the above, all other conditions and covenants remain in full force and effect.

**IN WITNESS WHEREOF**, the parties have duly executed this Agreement as of the day and year first written above.

**PERFORMANCE ABATEMENT  
SERVICES, INC.**

By \_\_\_\_\_

Date \_\_\_\_\_

**METRO**

By \_\_\_\_\_

Date \_\_\_\_\_

## **STAFF REPORT**

**CONSIDERATION OF RESOLUTION NO. 98-2594 FOR THE PURPOSE OF AMENDING THE CONTACT BETWEEN METRO AND PERFORMANCE ABATEMENT SERVICES, INC.(CONTRACT NO. 905855) FOR HAZARDOUS MATERIAL ABATEMENT SERVICES ASSOCIATED WITH THE DEVELOPMENT OF A CAPITAL PROJECT AT METRO WASHINGTON PARK ZOO**

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Date: 12/22/97

Presented by: Jim Maxwell

### **PROPOSED ACTION**

Approval to amend the existing contract between Metro and Performance Abatement Services, Inc. (PAS) for hazardous material abatement services associated with the development of a capital project at Metro Washington Park Zoo. This resolution would increase the contract value by \$39,400.

### **FACTUAL BACKGROUND**

Amendment of the existing contract (Contract No. 905855) is necessary to provide for the removal of all paint containing asbestos on the interior and in two exterior grottos of the Feline Building. Complete abatement of all hazardous material from those portions of the Feline Building that is to be demolished will allow the concrete rubble to be ground up for use as construction fill. Without the abatement the material would go to a landfill. Recycling of this material is not only good for the environment, it will also result in a net cost savings to the project.

PAS is currently under contract to remove all of the paint containing asbestos on the exterior of the upper level. Adding these services to the contract: provides efficient coordination with the abatement work already under contract; is cost effective for Metro; and keeps the responsibility for the clean up with one firm.

The additional cost is based on a bid submitted by PAS on December 11, 1997.

Our hazardous material consultants, PBS Environmental, have reviewed the bid and found it to be cost effective for the scope of work. The bid amount for this change order is also consistent with PAS's bid on the original scope of work. Five firms responded to the original scope of work and PAS was just over half the cost of the next lowest bid.

### **BUDGET IMPACT**

The value of the contract is increased by \$39,400, which is budgeted within the \$30,500,000 Bond Project.

### **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends adoption of Resolution No. 98-2594.

ACCT	DESCRIPTION	SPEC SECTION	ESTIMATE	Bid Package: Asbestos Abatement Project Name: Metro Washington Park Zoo	620-7933 PERFORMANCE WESTERN	MAINTENANCE MIKE STOCKER	Bid Date: 7/24/97 Time: 2:00pm
	Base Bid Cost		Lake Oswego Precision LRS				
	Alternate #1	Deduct	\$85260-\$71,555	\$38,410-	\$22,999-	\$95,165-	
	Alternate #2	Add	\$27,550-	\$12,050-	\$11,650-	\$34,637-	\$42,537-
	Alternate #3	Add	\$90,250-	\$16,850	\$72,000	\$25,775	\$54,337-
	Unit Price A	TOTAL	175,510 /3 LF	88,405 /3 LF	110,410 /3 LF	48,774 /3 LF	149,502 /3 LF
	Unit Price B		/HR	/HR	/HR	/HR	/HR
	Unit Price C		/HR	/HR	/HR	/HR	/HR
	Unit Price D		%	%	%	%	%
	Complete '97 Work		Days	Days	Days	Days	Days
	Complete '98 Work		Days	Days	Days	Days	Days
	Weekends		Yes No	Yes No	Yes No	Yes No	Yes No
	> One 8-Hour Shift / Day		Yes No	Yes No	Yes No	Yes No	Yes No
	Normal Working Hours		am - pm	am - pm	am - pm	am - pm	am - pm
	Addendum 1		Yes No	Yes No	Yes No	Yes No	Yes No
	General Work Plan		Yes No	Yes No	Yes No	Yes No	Yes No
	Bid Bond		Yes No	Yes No	Yes No	Yes No	Yes No
	Surety Named		Yes No	Yes No	Yes No	Yes No	Yes No
	Oregon Resident Bidder		Yes No	Yes No	Yes No	Yes No	Yes No
	CCB Registration		Yes No	Yes No	Yes No	Yes No	Yes No
	Signed Proposal		Yes No	Yes No	Yes No	Yes No	Yes No
	Exceptions to Bid or Bond Form		Yes No	Yes No	Yes No	Yes No	Yes No



**REGIONAL FACILITIES COMMITTEE REPORT**

**CONSIDERATION OF RESOLUTION NO. 98-2594, FOR THE PURPOSE OF AMENDING THE CONTRACT BETWEEN METRO AND PERFORMANCE ABATEMENT SERVICES INC. (CONTRACT NO. 905855) FOR HAZARDOUS MATERIAL ABATEMENT SERVICES ASSOCIATED WITH THE DEVELOPMENT OF A CAPITAL PROJECT AT METRO WASHINGTON PARK ZOO.**

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**Date:** January 28, 1998

**Presented by:** Councilor Naito

**Committee Action:** At its January 20, 1998 meeting, the Regional Facilities Committee unanimously recommended Council adoption of Resolution No. 98-2594. Voting in favor: Councilors McCaig, McFarland and Naito.

**Council Issues/Discussion:** Jim Maxwell, Construction Project Manager for the Zoo's Oregon Project, made the staff presentation. This resolution adds \$39,400 to the current \$48,000 contract with Performance Abatement Services, Inc. Services to be performed involve asbestos abatement in the feline exhibit, prior to its being demolished to make room for Oregon Project exhibits. The current contractor was low bidder, by a significant amount for, original abatement services.

An alternative approach to this problem, demolishing the building without first removing lead and asbestos, and transporting the rubble to a dump site is estimated to cost in excess of \$250,000

Richard Ellmyer  
Metro Presentation  
February 5, 1998

Do the consequences of excessive population growth in Oregon concern you? In your opinion, are there things that can and should be done about excessive population growth in Oregon? A significant majority of Oregonians would answer yes to these questions.

On Oct. 18, 1997 more than six hundred Oregonians not only answered yes to these questions but paid twenty-five dollars to do it. We recognized that the quality of life in our beloved state was at risk and we came to share our concerns with others and to look for leadership to help us deal with the issue. That weekend the Good Growth movement in Oregon was born. A new era in Oregon politics was begun.

The energy and spirit of more than six hundred activists committed to solving the problems of excessive population growth was inspiring. It is why I am here today. We are a new and growing political force and we will fight to maintain the extraordinary quality of life we enjoy in Oregon.

For most citizens the federal government in Washington D.C. is so remote it might as well be on another planet. Our state legislature in Salem is visionless, contemptuous of the Oregon voter and mostly controlled by special business and labor interests. Many individual cities and counties are trying to cope with growth issues but their impact on the wider community is very small.

Metro, however, has all the right qualities to tackle the tough issues of growth management.

1. Metro's region wide scope has a meaningful effect on the most populace area of Oregon and by extension an influence on the entire state.
2. Metro councilors are prepared to come to grips with tough regional issues.
3. Metro has a highly capable and outstanding staff.
4. Metro has the responsibility to devise solutions to growth management issues that affect the quality of life in our region. And while it is necessary to define an Urban Growth Boundary, it is not nearly enough.

I am here today on behalf of my fellow citizens who hold the opinion that something can and should be done about excessive population growth in Oregon, to ask you for your help and leadership.

Metro can serve the citizens of our community and fulfill its growth management responsibilities by holding a series of widespread tri-county public meetings focusing on the issue of what can and should be done about excessive population growth in our region.

Metro should invite elected officials from the jurisdictions where these public meetings are held to join them in listening to what their constituents have to say about this issue. Several political leaders such as, Eric Sten and Jim Francesconi from the Portland City Council, Dan Saltzman from the Multnomah County Commission, James Draznin of the Forest Grove City Council and others have already expressed an interest in hearing what the public has to say about the consequences of excessive population growth and what to do about it.

After the citizens you represent have had their chance to speak at these public meetings, you will have a foundation for taking action at Metro to preserve Oregon's quality of life. By the time these public meetings conclude you will be aware of the values and goals of those of us who want to keep Oregon livable.

It may be of interest to you that other governments in Oregon, namely, the City of Astoria, the Benton County Board of Commissioners and the Corvallis City Council have adopted resolutions which acknowledge the issue of excessive population growth by supporting the creation of a National Optimum Population Commission. A resolution in the Oregon Senate supporting a National Optimum Population Commission was sponsored by Senators Trow, Brown, Burdick, Castillo, Dwyer, Leonard and Lim during the 1997 session.

Unfortunately, there are also those in our community who refuse to acknowledge the consequences of excessive population growth. These people would destroy Metro and take us back to the days before C.R.A.G. Make no mistake. These people are anarchists. They would like to create a nineteenth century land use free for all for their own personal profit.

I pledge to you that I will do everything in my power to persuade every citizen who supports Good Growth in Oregon to oppose those misguided and selfish individuals who would destroy our quality of life by trying to destroy Metro. Metro needs to do more to fulfill its growth management responsibilities. Metro must not retreat. Metro must not maintain the status quo. Metro must not disband. The Metro council must continue to show the kind of leadership and political courage it has already demonstrated by taking the concept of the 2040 plan to the next plateau.

The Alternatives to Growth conference was a watershed event in Oregon's political history. The issues raised, the solutions proposed and the energy of shared values has sparked a political movement. In Oregon's foreseeable future, elections for all public offices will include an escalating focus on a candidate's ability to address the issues of environment and growth as they relate to our quality of life.

The Good Growth movement in Oregon is very young and not yet fully developed. But time and technology are on our side. In the not too distant future, every Oregonian who feels that overcrowding is a problem will have some place to turn.

While traditional media outlets continue to be useful in promoting an agenda, new

listserver server technology, electronic mail and the internet provide inexpensive, accessible and powerful tools for political action.

Do the consequences of excessive population growth in Oregon concern you? In your opinion, are there things that can and should be done about excessive population growth in Oregon? I hope that you will all answer yes to these questions. Metro has more potential to influence the quality of life in Oregon than any other government in our state. Be responsible, take the power, hold public meetings and lead us.

Portland can build a lightrail to Oregon City  
and so much more

Portland's South/North lightrail proposals are now led by three players. Metro, Buckman & AORTA. The South/North rail project should be built this way! No! This way! No! It is going to be built Metros' way, and only Metros' way! These players are not alone in proposing projects. The route from Clackamastown Center north via I-205 to Gateway has been proposed by many people. Many see the Glen Jackson Bridge route into Clark County as even more supportable by junctioning it into the airport extension. A growing number of people are within no-build groups who have lost faith in the project as laid-out by Metro, oppose densifying stable neighborhoods, or oppose expensive, overly bureaucratic mass transit projects, altogether. They are proposing *anything* but lightrail.

I am not a no-builder. Lightrail can be an ideal component to any mass transit system. My outspoken opposition to the alignment Metro has concocted is based on thorough & critical analysis. I award Metro with a grade of D+ for their so-called "cost-cutting" measures. The + for reassuring the public that lightrail can work, but the less than passing grade for nearly every alteration to the project which leaves it essentially unchanged. The project is now actually worse after Measure 32.

AORTA contends that the costs of routing lightrail on the Transit Mall do not have enough return to justify the investment; that the operational mingling there between lightrail and buses is questionable; that this extremely expensive lightrail plan alone will do nothing to reduce current automobile dependency. I agree

Buckman Neighborhood Association contends there is greater need for transit investments on the east side of the Willamette. I agree, and add that in order to create an improved transit system for downtown Portland, investment on the eastside is essential.

North Portlanders have had their support turned against them in Metros' long-delayed decision to build along I-5, not on the supported Interstate Avenue and Kenton District. The north extension will have a net loss of transit ridership because it has longer walks to fewer stations for the riders of the #5 busline it replaces. Thus, it effectively leaves the region in the unenviable position of forcing Vancouver to accept the project, despite their voter rejection in 1995, despite other viable options.

The directly affected neighborhoods of Milwaukie, Hector Campbell & Harmony Road voted "no confidence" in their mayor and city council when their concerns about the alignment and subsequent development were officially shrugged off as, "the minority opinion". The Milwaukie Democracy Project recall was a victory for Democracy. It was not a "disaster brought on by non-voting Milwaukie citizens". How embarrassing for statewide leaders. They must pretend even more how much they really listen.

The list of blunderous flaws along the entire proposed route is unbelievable. However, with true cooperation, (can you say cooperation?), I believe support can be rebuilt in Milwaukie, Railroad Ave & Harmony Road neighborhoods, North & Northeast Portland, in Vancouver and with the many groups who have no confidence in the planning, related land use development aspects or the shenanigans of politicians.

Since the Spring of 1995, an additional, little known, extensively detailed proposal has been presented before Metro council hearings but has received no response or been given any public attention. It includes the very first lightrail alignment to be considered in 1993 that was then supported by Buckman neighborhood, AORTA and others. Two years after Metros' controversial rejection, this original alignment was resubmitted, incorporating two additional transit modes: streetcars & trackless trolleys. In their appropriate application, these broaden the possibilities of cost containment & public/private partnerships, reduce property displacements of home & business (preservative redevelopment), and increase fundamental transit efficiency.

The 1995 proposal is entitled: LOTi Loop Oriented Transit-Mall Intermodal (pronounced lot E, a derivative of Charlotte, a family name). LOTi defends that the *best* way to serve the Mall is not with lightrail, but with trackless trolleys (thank you Ray Polani), serving the entire length of the extended Mall in a closed loop, to and from the Rose Quarter; defends that the South/North lightrail is *best* routed via Water Ave on the east side of the Willamette, directly to the RoseQuarter, enter the East/West line toward town and return at the Galleria turnaround; and defends that the *best*, first extension of the Central City Streetcar is across the Hawthorne Bridge for superior access to the OMSI and Tom McCall Waterfront Park and act as an east-west transfer and circulator.

LOTi realigns the Milwaukie & Clackamastown segments, serving each more effectively with "spur" streetcar rail systems, leaving the S/N entirely on the Union Pacific rail corridor with a final destination of Oregon City. Cost savings reduce required ridership development. Reaching Oregon City guarantees increased ridership. LOTi has evolved into a phenomenal project encompassing 5-7 logical, practical streetcar lines, 9 trackless trolley lines, 6 lightrail lines, high-speed and commuter-rail potential and several highway improvements including a fine Morrison Bridge/I-5 rebuild, an interesting treatment for the Milwaukie-Powell intersection and rebuilding the Ross Island Bridge "mess" as the best option in the "South Willamette River Crossing Study". Not AORTA, not Buckman, not Metro has developed anything near as extensive a regional proposal as LOTi. Maximum advantage: LOTi. Portland must have a public appraisal of LOTi.

If the future of Portland is to be an "International City", we must increase transit ridership between 3 to 6 times, and increase walk/bike trip generation by 10 times. International cities fund successful rail-oriented mass transit with gasoline taxes 10 times what Americans pay. We should increase our basic gasoline taxes initially 15 to 20 cents and that funding go to mass transit. The reality is that any future electric or hybrid automobile cannot possibly solve the multitude of problems related to auto dependency. The future for Portland has hope, as all American cities can derive hope from some progress in urban design advancing here. But until we admit to the abject failure of the automobile-oriented lifestyle, and begin to build efficient electric mass transit systems whose costs can be kept from "out of control" escalation, build them extensively with an unprecedented cooperation between every single American who can participate in a "New American City Renaissance", we will not be able to stop our precipitous decline of environmental degradation and social disintegration.