

MINUTES OF THE METRO COUNCIL MEETING

Thursday, February 15, 2007
Metro Council Chamber

Councilors Present: David Bragdon (Council President) Rod Park, Kathryn Harrington, Robert Liberty, Rex Burkholder

Councilors Absent: Brian Newman (excused), Carl Hosticka (excused)

Council President Bragdon convened the Regular Council Meeting at 2:01 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. FUTURE VISION UPDATE

Councilor Liberty introduced the consulting team who was drafting the Oregon Zoo Strategic Master Plan. He noted that they had had a meeting this morning with the Future Vision Committee. Rick Biddle, Vice President of Schultz and Williams, Inc., shared a PowerPoint presentation on the Assessment Report and review (a copy of which is included in the meeting record). He talked about the stakeholder discussions they had been holding over the last month. He noted how valuable this effort had been to the process. Councilor Harrington asked about slide 7 having to do with Infrastructure needing to be centralized. Christopher Overdorf, Principal-in-Charge, Jones and Jones, responded to her question. Councilor Burkholder asked about the suggestion of changing how the Zoo was managed when it was working well. Councilor Liberty responded to his question. Mr. Biddle said they were looking at enhancing management structure and that they were looking forward to the next 10 years. Councilor Burkholder said he would be very skeptical about taking a public asset and changing how it was managed. Councilor Liberty asked Mr. Overdorf about accreditation. Mr. Overdorf talked about accreditation requirements and what the Zoo needed to do to maintain its accreditation. David Towne added his comments about what would happen if the Zoo was not accredited. Council President Bragdon addressed the deferred maintenance. Mr. Overdorf talked about the maintenance issues. Mr. Towne talked about his discussions with the union members that worked at the Zoo. Councilor Park echoed some of Councilor Burkholder's concerns. He asked about national trends about one-time visits versus multiple visits. Mr. Biddle responded to his question.

4. CONSENT AGENDA

4.1 Consideration of minutes of the February 8, 2007 Regular Council Meeting.

4.2 **Resolution No. 07-3779**, For the Purpose of Confirming the Appointment of Additional Members of the Brownfields Task Force.

Motion:

Councilor Liberty moved to adopt the meeting minutes of the February 8, 2007 Regular Metro Council and Resolution No. 07-3779.
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Vote:

Councilors Burkholder, Harrington, Liberty, Park, and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed.
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5 ORDINANCES – FIRST READING

5.1 **Ordinance No. 07-1138**, Amending Metro Code Chapters 5.01 and 5.05 to Ensure that Mixed Non-Putrescible Waste Material Recovery Facilities and Reload Facilities Are Operated in Accordance with Metro Administrative Procedures and Performance Standards Issued by the Chief Operating Officer, and to Make Related Changes.

Council President Bragdon assigned Ordinance No. 07-1138 to Council.

5.2 **Ordinance No. 07-1139**, For the Purpose of Amending Metro Code Chapters 5.01 and 5.05 and the Regional Solid Waste Management Plan to Lift a Temporary Moratorium on Certain New Non-Putrescible Mixed Waste Material Recovery or Reload Facilities and Certain Non-System Licenses.

Council President Bragdon assigned Ordinance No. 07-1139 to Council.

6. RESOLUTIONS

6.1 **Resolution No. 07-3774**, For the Purpose of Entering an Order Relating to The Richard L. and Sharon K. Kurtz Claim for Compensation under ORS 197.352 (Measure 37).

Ray Valone, Planning Department, provided an overview of the claim (a copy of which is included in the meeting packet), which primarily laid out the Chief Operating Officer’s report. Councilor Liberty asked what valuation methods were used. Sonny Conder, Data Resource Center, responded to his question.

Matt Green-Hite, 17540 Bothell Rd, Gladstone OR 97027 noted that they didn’t get a copy of the staff report but did find it on the website. The only dispute they had is with the valuation. He talked about the Vanderzanden case and said Marion County had objected to this valuation process as well (a copy of this case is included in the record). He noted page 4 of the letter which indicated that the valuation was based on the date not some future date. They objected to the Plantinga-Jaeger method. Councilor Liberty asked if they felt they had enough time. Mr. Green-Hite said yes. Councilor Liberty asked if they put the land outside of the urban growth boundary (UGB), would that restore the value? Mr. Green-Hite said yes as long as they could maintain five-acre parcels. Councilor Liberty responded to his point. Dick Benner, Metro Senior Attorney, talked about the State claim, Vanderzanden. The analysis that the State was using was allowable but this did not mean that our method of valuation was not allowable. He felt that we shouldn’t take this as a ruling that Metro could not use our valuation method.

Motion:	Councilor Park moved to adopt Resolution No. 07-3774.
Seconded:	Councilor Liberty seconded the motion

Councilor Park said they had heard a number of claims similar to this claim. He said there was a short time frame for holding this land. He was hopeful that the legislature would come up with a new process. He was hopeful that the City of Damascus would complete its planning soon.

Vote:

Councilors Park, Burkholder, Harrington, Liberty, and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed.
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- 6.2 **Resolution No. 07-3775**, For the Purpose of Entering an Order Relating to The Nancy J. Rounsefell, Trustee of the James L. Rounsefell Trust and Nancy J. Rounsefell Claim for Compensation under ORS 197.352 (Measure 37).

Ray Valone, Planning Department, provided an overview of the claim (a copy of which is included in the meeting packet), which primarily laid out in the Chief Operating Officer's report. He noted that this case was similar to the case that the Council had just considered. Councilor Liberty asked if they had enough sales to have a good idea of the effect of the regulation. Mr. Conder said expansion of the UGB increased value. Even with the downturn in the economy, the valuation increased. Councilor Liberty asked about land that had been planned versus land that was in a holding pattern. Mr. Conder responded to his question.

Councilor Park encouraged the parties to work with City of Damascus to complete the planning.

Motion:	Councilor Burkholder moved to adopt Resolution No. 07-3775.
Seconded:	Councilor Harrington seconded the motion

Vote:

Councilors Park, Burkholder, Harrington, Liberty, and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed.
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7. **ORDINANCES – SECOND READING**

- 7.1 **Ordinance No. 07-1137A**, For the Purpose of Amending Metro Code Sections 3.07.120, 3.07.130 and 3.07.1120 and Adding Metro Code Section 3.07.450 to Establish a Process and Criteria for Changes to the Employment and Industrial Areas Map, and Declaring an Emergency.

Council President Bragdon opened a public hearing on Ordinance No. 07-1137A. No one came forward. Council President Bragdon closed the public hearing and announced that this item would be considered next week.

8. **EXECUTIVE SESSION, HELD PURSUANT TO ORS 192.660(1)(h), TO CONSULT WITH LEGAL COUNSEL CONCERNING THE LEGAL RIGHTS AND DUTIES OF A PUBLIC BODY WITH REGARD TO CURRENT LITIGATION.**

Time Began: 2:54pm

Time Ended: 3:38 pm

Members Present: Marv Fjordbeck, Doug Anderson, Paul Ehinger, Glen Kline, Nathan Sykes

9. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan, COO, was not present.

10. COUNCILOR COMMUNICATION

Councilor Liberty said a month ago he decided to hold a conversation with the Columbia River Crossing Co-Chair.

Councilor Harrington said she participated in the launch of the Boneyard website. They participated with a variety of groups. There was good coverage. She was going to a town hall meeting in Hillsboro tonight and invited Council to join her. She also briefed the Council on the Metro Policy Advisory Committee (MPAC) meeting. They looked at the New Look Road Map as well as the Regional Transportation Plan Update.

Councilor Burkholder talked about the Metropolitan Transportation Improvement Plan (MTIP) public hearing on Tuesday. The public comment period ended that evening.

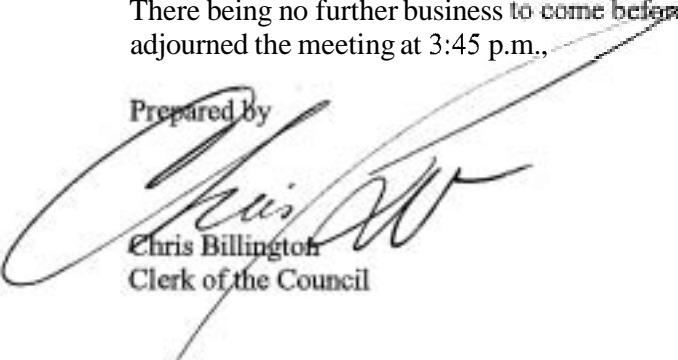
Councilor Park said the MTIP was a full house. He wanted to know if MPAC was interested in a freight presentation. He would be happy to coordinate this presentation.

Council President Bragdon said the UGB cycle issue would be heard tomorrow at the State legislature.

11. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:45 p.m.,

Prepared by



Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF
FEBRUARY 15, 2007**

Item	Topic	Doc. Date	Document Description	Doc. Number
3	Assessment Report #1	2/14/07	To: Metro Council From: Schultz and Williams as well as Jones and Jones Re: Oregon Zoo Strategic Master Plan Assessment Report #1 Draft #3	021507c-01
3	PowerPoint Presentation	2/15/07	To: Metro Council From: Rick Biddle, Schultz and Williams Re: PowerPoint Presentation on Strategic Master Plan for the Oregon Zoo	021507c-02
4.1	Minutes	2/8/07	Metro Council Meeting Minutes of February 8, 2007	021507c-03
6.1	Letter	1/8/07	To: Ericka Hadlock, Assistant Attorney General From: Circuit Court of Oregon Re: Vanderzanden v. Land Conservation and Development	021507c-04
7.1	Exhibit D and staff report	2/15/07	Exhibit D and Staff Report to Ordinance No. 07-1137A	021507c-05