

# MINUTES OF THE METRO COUNCIL MEETING

August 6, 1998

Council Chamber

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

Councilors Absent: Rod Monroe

Presiding Officer Kvistad convened the Regular Council Meeting at 2:07 p.m.

## 1. INTRODUCTIONS

None.

## 2. CITIZEN COMMUNICATION

**Art Lewellan**, 3205 SE 8th, #9, Portland, OR, introduced himself as an opponent of South/North Lightrail. Although he said he did support the east-west line he does not believe the South/North line as planned would work as well. He described the latest rendition of his LOTI plan which would use electric buses downtown as well as the lightrail for other areas. He said he would continue to oppose the South/North lightrail because he felt the mall alignment did not make sense and would not work. He said there should be cheaper, better transit in Portland. He appreciated the work done on the westside line.

## 3. EXECUTIVE OFFICER COMMUNICATIONS

None.

## 4. AUDITOR COMMUNICATIONS

None.

## 5. MPAC COMMUNICATION

**Councilor McLain** said there would be a joint meeting of MPAC and JPACT this month. She noted the coordinating committee meeting and issues.

## 6. CONSENT AGENDA

6.1 Consideration meeting minutes of the July 23, 1998 Regular Council Meeting.

**Motion:** **Councilor McFarland** moved to adopt the meeting minutes of July 23, 1998 Regular Council Meeting.

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

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

## 7. ORDINANCES - FIRST READING

7.1 **Ordinance No. 98-770**, For the Purpose of Amending First Tier and Urban Reserve Planning Requirements for Urban Growth Boundary Amendments.

**Presiding Officer Kvistad** assigned Ordinance No. 98-770 to the Growth Management Committee.

7.2 **Ordinance No. 98-772**, For the Purpose of Amending First Tier and Urban Reserve Planning Requirements for Urban Growth Boundary Amendments and Establishing Priorities for Including Land in the Urban Growth Boundary.

**Presiding Officer Kvistad** assigned Ordinance No. 98-722 to the Growth Management Committee.

## 8. ORDINANCES - SECOND READING

8.1 **Ordinance No. 98-745**, For the Purpose of Granting a Franchise to Citistics, Incorporated for the Purpose of Operating a Combined Transfer Station and Solid Waste Materials Recovery Facility.

**Motion:** **Councilor Morissette** moved to adopt Ordinance No. 98-745.

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

**Bruce Warner**, Director of REM, reviewed the ordinance and its history. He said the proposed facility was located in a light industrial area in the City of Beaverton. He clarified that one of the primary functions of this facility would be to reload waste for transport to other stations or disposal facilities. He said this facility would also do recovery of recyclable materials. He noted the status of other agencies' approvals: the City of Beaverton was responsible for judging the appropriateness of the Citistics site and the planning commission had issued a conditional use permit. He said as a result of the confusion and concerns raised during DEQ permit hearings, the Beaverton Planning Commission took up the matter again to clarify their previous actions. They again authorized the facility for that site. He noted that DEQ had held public meetings and issued a permit in May 1998. He said the applicant had also met the Metro's code criteria for such a facility.

**Councilor McLain** noted the operating responsibilities in the new code and asked how the standards compared to the old code which this was being approved under. She wondered if the new code changed anything for this applicant.

**Mr. Warner** responded the new code had a transition period and provided explicit performance standards. He said the transition to the new code had been considered in the franchise requirements. He suggested asking the applicant to answer specific questions regarding their operating plan.

**Councilor McLain** had concerns regarding RSWMP goals. She noted Metro Council's belief that the highest level of recycling should be separated waste.

**Mr. Warner** said approval of this franchise should not give the idea that staff was saying to slack up on the source separated materials of the RSWMP. He said it was clearly a priority to get the materials separated before it entered in a waste stream. He said this facility would aid in source separated materials.

**Presiding Officer Kvistad** asked about compliance review and oversight. He wondered how Metro would handle those reviews and what were the review criteria for violations.

**Mr. Warner** responded that there would be more people in the field looking at this than there had been in the past. He mentioned a very heightened awareness of this facility and the discussions that had taken place regarding the process for enforcement of the conditions and who was responsible for them.

**Presiding Officer Kvistad** opened a public hearing on Ordinance No. 98-745. He indicated that each side would have 6-7 minutes to present. He said after general public testimony, there would be one minute of follow up from each party.

**Thane Tienson**, Copeland, Landye, Bennett and Wolf, 3500 Wells Fargo Center, 1300 SW 5th Portland OR 97201 asked for clarification on which version of the code was being utilized.

**Marv Fjordbeck**, Legal Counsel, said the criteria for application had been from the old code before the amendments had been passed.

**Ed Sullivan**, representing Citistics Inc., introduced Tom Miller, president of Citistics as well as Miller Sanitary Service and Dean Miller, Operations Manager of the facility. He asked franchise approval to collect and separate solid waste. He noted this was the final approval for the site. He said they had used the tougher provisions of the former code and asked Council to consider the request using the old code. He displayed the site plan map. He went through the four Metro Code provisions for the grant of a franchise and showed how they met all the criteria. He noted each condition had been carried out and asked for the opportunity to respond to issues raised today.

**Megan Laidlaw**, 5478 SW Alger, #D4, Beaverton, OR, 97005 owner-occupant at Sequoia Park Condominium Complex, noted that the franchise had been approved by staff for 2 reasons: the operation would contribute to overall recovery and recycling goals for the region, and would perform reload which lessened the burden at Metro Transfer Stations and reduced traffic on the region's roadways. She reported that Miller Sanitary currently performed reload on-site as well as recovery of residential curbside materials. She said the capacity to reload was not dependent upon the additional functions the Citistics franchise was seeking and that reload and residential curbside recovery could continue on the site without altering the current franchise. She said it was true the applicant could recover materials from the waste streams proposed but that would be true of any hauler in the tri-county region. She said Metro should instead consider the region's long term goals and the contribution the proposed facility would make toward those goals. She said RSWMP clearly designated separation as the highest priority for recovery activities and current residential programs had been very successful in those stated goals, including expanding this type of activity in the business and building industry communities. She said this ensured the highest quality resource recovery possible. She believed the applicant would have little incentive to implement the business and building industry source separation activities proposed in RSWMP. She also believed it would actually reduce the long range material recovery rates as the contamination of dry materials with wet reduced the recovery potential. She said RSWMP recognized the need for reload facilities to perform low level recovery activities and the need to evaluate each proposed facility individually. She said any hauler in our region that handled 50%

residential waste should have the same opportunity to expand their operation. She said the Miller site was inadequate and trucks would have to wait in line while the previous trucks were processed. That would make it virtually impossible to separate wet loads from dry loads. She said the building was not large enough to accommodate the operation and the overall recovery potential did not justify the cost to the region as a whole. She said if Metro franchised this applicant they would then have to franchise similar applicants as well, which most certainly did not comply with the long term regional plan.

**Mr. Tienson** noted that as it was pointed out on the committee report, this was the first application for this type of combined facility to come before Metro. He felt the application should be considered under the new code because that new code gave August 1, 1998, as the effective date for new franchises to be considered under the new code. He said the siting for this facility was horrendous and too close to residential areas. He mentioned that Metro South had been upgraded recently and this franchise made no sense at all. He said the fact that the Millers had built the facility before they had been approved by Metro and DEQ should be a non-issue. He urged the council to vote against the franchise application and the facility.

**Doug Drennen**, representing Howard Grabhorn, owner and operator of Lakeside Reclamation Landfill, 14930 SW Vandermost Rd Beaverton OR 97007, read his written testimony into the record (a copy of which may be found in the permanent record of this ordinance). He offered support of the Miller Citistics Reload Facility franchise.

**Henry Kane**, 12077 SW Camden Lane, Beaverton, OR 97008, reviewed his prepared testimony with supporting documents (a copy of this testimony can be found in the permanent record of this meeting). He asked Council to at least read Exhibit D of his testimony if nothing else. He noted wetlands on the boundary of this facility and said he felt Metro staff was wearing blinders with regard to the damage to livability and/or to property values and the environment. He said Metro had a statutory responsibility to protect the environment.

**Frank Deaver** 7900 SW Barnard Dr., Beaverton, OR, 97007 a resident of Washington County, member of Washington County Solid Waste Advisory Committee for 20 years and a member of Metro Solid Waste Advisory Committee read his written testimony into the record (a copy of which may be found in the permanent record of this ordinance). He said citizens had been asking for more recycling and now had the opportunity to see results by approving the Citistics franchise. He said the facility was well designed and met all the requirements. He said the current operations were clean and well run as they had been since they started. He reminded the Council that the site had been there long before there was a residential neighborhood there. They had always worked with neighbors to minimize the impact of the operation. He urged approval of this franchise today. He said they had tried to combine the requirements from Metro, the City of Beaverton and the DEQ to make a complete operating plan proposal covering all the requirements.

**John Drew**, President of Far West Fibers, Inc., PO Box 139, Beaverton, OR 97075 read his written testimony into the record (a copy of which may be found in the permanent record of this ordinance). He supported the Citistics franchise. He said the Millers had always been responsible for a clean environment in Washington County. He noted their high level of professionalism. He said it made sense to plan for future recycling.

**Loreen Mills**, City of Tigard Manager of Franchises, 13125 SW Hall Blvd. Tigard, OR 97223 said she saw a great concern about being efficient, increasing recycling and stabilizing the rates for the customer. She said the Citistics reload facility was needed to reduce loads and be more

efficient. It would also help meet the future recycling goals of Washington County. She said the local governments were willing to implement the land use goals and hold the applicants responsible for meeting the conditions.

**Brian Engleson**, 14041-A NE Sandy Blvd, Portland, OR, representing Oregon Recycling System, a group of 53 small independent haulers from the tri-county area, Eastside Recycling, 29 haulers operating in the City of Portland, encouraged Council to approve the ordinance. He also encouraged the franchise to be approved without any further delays because delays only cost more money.

**David White**, 1739 NW 156th Ave., Beaverton, OR, 97006, Chair of Tri-County Council of Haulers, member of Metro SWAC, said he had sent a letter in support of this franchise application. He said he wanted to make an additional comment regarding the vote today. He felt the decision would speak to the integrity of the franchise review and approval process. He said the recent code revision by Council recognized and supported a shift from public to private development, ownership and operation of solid waste facilities and the private sector must be able to rely on Metro to follow the established goals and standards. He added that SWAC had discussed for months the issue regarding source separated vs. post collection recovery. He urged support of the franchise.

**Mr. Charles Pritchard**, 17552 Hancock Way, Beaverton, OR, 97006 recycling advocate, spoke in support of the franchise. He said he had been examining the facilities and commented that this facility was one of the best by far as far as cleanliness and operation. He said studies had shown that the facility could save a minimum of 3 trees per operational day. He urged approval of the franchise.

**Joe Grillo**, P.O. Box 4755, Beaverton, OR, 97076 Community Development Director for the City of Beaverton read Mayor Drake's letter into the record (a copy of which may be found in the permanent record of this ordinance). It was the mayor's understanding that the Metro REM Committee had discussed issues relevant to issuance of the permit and Beaverton's previous land use approval. He believed that the discussion of local land use issues by Metro Council was well outside the scope of the criteria for their decision making. He felt decisions based on land use should be left to the local jurisdictions. He said Beaverton had acted upon Citistics, Inc.'s request and had granted them a conditional use permit. He said Metro should support and respect the land use decision made by the Beaverton City Council. He recommended that the Council make their decision of Citistics, Inc., based on Metro's franchise award criteria and not try to determine conformance of the proposal to Beaverton's land use decision. He said city staff would be available at Metro's hearing on August 6, 1998, to answer Council questions on this matter. He said Beaverton would oversee code enforcement and would work with the other agencies to such an end.

**Elaine Spalding**, Executive Vice President of the Beaverton Area Chamber of Commerce, 4800 SW Griffith Drive, #100, Beaverton, OR, 97005 read into the record a letter from Tim Estes, President of Beaverton Area Chamber of Commerce (a copy of which may be found in the permanent record of this ordinance) in support of Miller Sanitation. He was in support of a local business having the franchise and asked Metro to grant the application because they were a local company in operation since 1904. He said they had 28 employees and had operated on the present site since 1978. She said the expansion on the current site would mean more employees and an increased payroll, therefore helping the economy. The expansion plans had already been approved by the City of Beaverton.

**Steve Nagel**, A2Z Home Inspections Inc., PO Box 1818 Beaverton OR 97075 said he lived close to the facility and had two properties in the downtown central Beaverton area. He read his written testimony in opposition to the franchise into the record (a copy of which may be found in the permanent record of this ordinance). He said as a licensed pest control operator he knew there was no way to control the flies that would occur at the facility. He was not impressed that Mr. Miller had built the facility before the approval of the permit. He said approving this franchise would set a precedent of selling out a whole downtown area to high negative environmental impacts and asked council when they voted to consider if they would have a facility such as this in their neighborhood.

**Henry Shafer**, 5470 SW Alger, Beaverton, OR, 97005 said his property at Sequoia Park Condos, which he had purchased before any question of this franchise was public, adjoined the Miller Sanitary property. He said the CUP was granted with the understanding that this would be a construction materials sorting station and there would be no garbage handled there. He said the area had been zoned light industry and what was being proposed was not listed anywhere in the Beaverton codes under light industry. He was opposed to the location for this franchise. He noted it was a very high residential area and it was totally unacceptable to operate this reload facility there. He noted the wetland on the map which went all the way to Allen Blvd and added that Metro also had a responsibility to protect the citizens.

**Lynn Storz**, 155 N. 1st Ave., Hillsboro, OR, 97124 supported Mr. Miller's franchise application for the reload facility. She urged approval of the application as he had met the criteria as outlined in Metro's Solid Waste Ordinance and received appropriate environmental approval from the DEQ and land use approval from his local government, the City of Beaverton. She said he always had been in compliance with Washington County's solid waste ordinances.

**Susan Keil**, 1211 SW 5th Rm 800, Portland, OR, 97204 Manager of Industrial and Solid Waste for the City of Portland, member of SWAC, said she believed the facility proposed by Mr. Miller was clearly in concert with the Regional Solid Waste Management Plan. She commented that Washington County and east Multnomah County had been disadvantaged by their distance from Metro Transfer Stations. She said the reload facility would help keep the rates down. She noted that Tom Miller had not had a single franchise infraction since 1992. She said he was one of the finest operators in the system and had been routinely concerned about customer impact issues. She said he was very honest and ethical and urged approval of the franchise.

**Andrew Boone**, General Manager Griffith Park Athletic Club, 4925 SW Griffith Drive, Beaverton, OR, 97005 said the initial application process to the City of Beaverton had represented the business as an expanded recycling recovery facility with no notice to the community. He said application was made without mention of putrescible waste being processed. He said when there finally was a hearing, it lasted until 3 am with the public not being allowed to speak until well after 10 p.m. He submitted that had it been clearly and accurately portrayed to the citizens it would not have proceeded to this point. He added that many club members and concerned citizens had come to him opposing the franchise. He said the Millers had been good citizens over the years and this was not an angry opposition, it was simply that the impact of the facility expansion was too great to the surrounding businesses and residents. He urged denial of the franchise.

**Rosalie Randall**, 4758 SW Tucker Ave., Beaverton, OR 97005 spokesperson for Town Center Condominiums, was concerned about the environmental impact of the Miller site. She said she had heard nothing regarding the long term environmental impact of the facility. She noted that the tanks at the site had never been tested. She noted that although Mr. Miller seemed knowledgeable

about his business at the several meetings she had attended, he had no sound responses to citizen concerns about the noise and stench from the operation. She urged denial of the franchise.

**Megan Laidlaw** concluded that the facility did not fit into Metro's long term goals. She said the issue was recycling and not just removing items from a domestic or industrial waste stream. She said numerous other facilities would be franchised if this one was approved and there would be contaminated materials from all of them. She asked what would happen with them if the markets dried up. She noted there were many issues that Metro needed to consider before approving the franchise.

**Ed Sullivan** noted he had distributed a transcript of the hearing from 1996 in which it was made clear from the beginning that putrescible waste would be a component. He noted the requirements that had been proven to meet the franchise requirements.

**Presiding Officer Kvistad** closed the public hearing.

**Discussion:** **Councilor McFarland** noted the number of letters received from citizens on this matter and said that when this ordinance came before the REM Committee she began an extensive investigation of the franchise. She said environmental concerns had been an issue but DEQ had already made that decision. She said the location, permitting, and land use decisions had been made by the City of Beaverton. She indicated that Ms. Laidlaw had been correct when she said Metro's question was whether this fit with Metro's plans for the development that recent actions had initiated. She said she had expressed misgivings all along about where this was going. She said Metro staff said they believed this facility met the standards and requirements laid out for a franchise to be granted. She said as part of her investigation she visited the Miller site where she observed a 9' high wall that had been erected between Miller's operation and the condominiums as well as a tree buffer zone. She noted the water recapturing system for the truck wash and was impressed with the efforts that Mr. Miller had made to keep the area as required and meet the needs of the neighbors. She said she was going to change her vote to approve this ordinance because she found the only part of the decision Metro was responsible for was whether it fit with Metro's plan, RSWMP. The SWAC Committee and she believed that it did indeed fit. She believed that they had done their best.

**Councilor Washington** said when this first came up he had also voted no. He said his big concern was some items that had not been considered. He said he was satisfied that they had done the best job possible for the citizens and for Mr. Miller. He addressed Mr. Miller and mentioned some citizen concerns regarding making the Millers wait so long for this. He said it was Council's job to be sure about their decisions and anyone would have been treated in the same manner had they applied for a franchise. He said he would support this ordinance.

**Councilor McLain** assured Ms. Mills and Mr. Grillo that Council knew the land use decisions for the comprehensive plans were the responsibility, right and priority of the local jurisdictions. She pointed out that the environmental and land use issues brought from the community around them did have an effect. She said it was her opinion that the facility plan Mr. Miller presented met the standards suggested. She said it was important for Council and staff through the implementation of the RSWMP to make sure the standards continued to be met. She addressed the comparison with the privately owned Forest Grove transfer station. She said those folks have had to deal with this type of facility in a residential area so this facility was not the first one. She said Metro did not give the franchise to the hauler but to the station. She said a committee had been formed to review the actual day to day operations of the facility and any problems were

being dealt with. She felt there would be very few facilities of this type franchised in the future. She addressed a Title 3 issue regarding the 50 - 200' buffer for the wetland close to the facility. She did not think the City of Beaverton would overlook that in their consideration and said Title 3 did not come into effect for 18 months. Finally, she said, the requirements were not being reduced so separation at the sources was going to be looked upon as unimportant. She noted incentives and said they would continue to work on the price issue, for people with cans at the curb as well as the agency and industry. She appreciated the effort, especially by Mr. Shafer and Ms. Laidlaw who had really done a very good job for their neighborhood.

**Presiding Officer Kvistad** commented that his vote today was not easy because it was the neighborhood he grew up in. He said Metro did not have the ability to make decisions on land use. Metro's issue was compliance with the Metro Code and the Regional Plan. He said he would be voting in favor of the Ordinance.

**Councilor Morissette** closed by saying Mr. Miller had complied with what Metro had asked of him. He said he had been very frustrated about this process to date. He noted Mr. Miller's long term record of doing what he said he would. He said Mr. Miller was really advocating for following through with what they said as much as for recycling.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

8.2 **Ordinance No. 98-767**, For the Purpose of Amending Metro Code Chapter 5.01 to set certain Fees and Penalties, and Making Related Adjustments to Chapter 7.01.

**Motion:** **Councilor McFarland** moved to adopt Ordinance No. 98-767.

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

**Councilor McFarland** said this would make changes in the excise tax code to be consistent with the revisions made in the regulatory code. She urged an aye vote.

**Councilor Morissette** said this was very good work and he would support the ordinance.

**Presiding Officer Kvistad** opened a public hearing on Ordinance No. 98-767. No one came forward. **Presiding Officer Kvistad** closed the public hearing.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

## 9. RESOLUTIONS

9.1 **Resolution No. 98-2677**, For the Purpose of Authorizing Release of RFP #98-47-REM for Engineering Services Related to the Stabilization of the St. Johns Landfill Perimeter Dike.

**Motion:** **Councilor Washington** moved to adopt Resolution No. 98-2677.

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



**Discussion:** **Councilor Washington** reviewed the resolution and noted there was some evidence that water could be coming through the dike area around the Columbia Slough at the St. John's landfill. This proposal was to get an engineering study to see if that was true.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

9.2 **Resolution No. 98-2681**, For the Purpose of Authorizing the Executive Officer to Extend the Termination Date of Existing Intergovernmental Agreements with Local Park Providers which are implementing the Local Share Component of Metro's Open Spaces, Parks and Streams Bond Program.

**Motion:** **Councilor McCaig** moved to adopt Resolution No. 98-2681.

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

**Discussion:** **Councilor McCaig** reviewed this resolution. She said the partners had been taking longer to use their money and this would extend the time they had to use the other half of the money.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

9.3 **Resolution No. 98-2683**, For the Purpose of Accepting the May 19, 1998 Primary Election abstract of votes.

**Motion:** **Councilor McLain** moved to adopt Resolution No. 98-2683.

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

**Discussion:** **Councilor McLain** said state law required Metro to declare the election results and this indicated what happened in the May 19, 1998 primary election. She said this officially accepted the results.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

**Presiding Officer Kvistad** closed the Council meeting and convened the Contract Review Board.

## 10. CONTRACT REVIEW BOARD

10.1 **Resolution No. 98-2678**, For the Purpose of Amending the South/North Deis Consultant Services Contract, No. 904021, with Parametrix, Inc. to Incorporate Analysis for the Final Environmental Impact Statement (FEIS).

**Motion:** **Councilor McLain** moved to adopt Resolution No. 98-2678.

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

**Discussion:** **Councilor McLain** said the title was self explanatory. She said it was an amendment to the contract to deal with the environmental impact statement. She said it was for \$469,323 to Contract #904021.

**Councilor Morissette** asked if the lightrail was not successful would this study be useful for bridge crossings for roads.

**Councilor McLain** said it was specific to South/North lightrail project to study the impacts of the alignment just passed by Metro. She said the study would be useful.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

10.2 **Resolution No. 98-2679**, For the Purpose of Approving Sole Source Agreement for Dr. Kathy Carlstead at the Oregon Zoo.

**Motion:** **Councilor McFarland** moved to adopt Resolution No. 98-2679.

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

**Discussion:** **Councilor McFarland** said they had been working with this woman's organization for 2 years and it was ongoing. She urged an aye vote.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

**Presiding Officer Kvistad** adjourned the Contract Review Board and convened the Executive Session.

**11. 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 or litigation likely to be filed.**

Presiding Officer Kvistad adjourned the Executive Session and reconvened the Council Meeting.

**12. COUNCILOR COMMUNICATION**

**Councilor Washington** thanked everyone for their kind thoughts and cards and said it was greatly appreciated and helped him a lot.

**Presiding Officer Kvistad** announced that the council would be in recess from August 14th through September 7th.

**Councilor Morissette** felt the September 3rd meeting was critical and with there wouldn't be another committee meeting to work on the code after that. The goal was after MPAC's review the meeting would be necessary and important to get started in MPAC's issues. The 90 day timeframe has to be followed.

**Councilor McLain** supported the September 3rd meeting as well. It had been scheduled since January and there was a lot of work yet to be done.

**Presiding Officer Kvistad** responded that when the schedules were being set up a master schedule had been promised but it was a unique situation because of the way the holidays fell. He said he would schedule it if it was the will of the council but a lot of staff would not be working.

**Councilor McLain** said some of them would be coming back for an MPAC meeting during those 2 weeks. She said some people were working during that time and the time was needed to do the work.

**Presiding Officer Kvistad** said even though it was a single issue agenda and some of the Councilors may not be able to attend he would reschedule the meeting for September 3, 1998 at 2:00 PM.

**Councilor McLain** said she appreciated it and asked when the packets would be available.

**Presiding Officer Kvistad** said the packeted materials would be distributed as soon as MPAC met.

**Councilor Morissette** confirmed it would be regarding the modifications to the code. He said MPAC was worried that a decision would be made without taking their comments into consideration.

**Presiding Officer Kvistad** said it was scheduled but it was also understood that it was a different kind of week. He reported that the concert at the zoo was sold out and the crowd was much larger than anticipated. They did a terrific job with it.

**Councilor Morissette** said due to the fact that USA Waste had purchased Waste Management they were in default of their contract because the buyer did not have Council approval. The options were to re-negotiate or to re-bid. He said due to the size of the contract it was a big issue. He said he and the REM staff were committed to work on the issue.

### **13. ADJOURN**

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 4:55 p.m.

Prepared by,

Chris Billington  
Clerk of the Council