

MINUTES OF THE METRO COUNCIL MEETING

Thursday, June 2, 2005
Metro Council Chamber

Councilors Present: Rex Burkholder (Deputy Council President), Susan McLain, Robert Liberty, Carl Hosticka, Rod Park, Brian Newman

Councilors Absent: David Bragdon (excused)

Deputy Council President Burkholder convened the Regular Council Meeting at 2:02 p.m.

1. INTRODUCTIONS

Councilor Hosticka introduced the Shanghai Civil Affairs Bureau. They were here on a tour studying government. Councilor Hosticka and Deputy Council President Burkholder welcomed the delegation.

2. CITIZEN COMMUNICATIONS

There were none.

3. NATURE IN NEIGHBORHOODS – HABITAT FRIENDLY DESIGN

Paul Ketcham, Planning Department, said this presentation was a continuation of the Habitat Friendly Design. He explained the reason for the presentation. Joe Dill, OTAK, provided a power point presentation in the Damascus area (a copy of his presentation boards are included in the record). It was a 150-acre area near Rock Creek.

Tom Putnam, from David Evans and Associates, presented an industrial redevelopment case study near I-205 area and Johnson Creek (a copy of his presentation boards are included in the record). They looked at how they could bring nature back into the area. He spoke to best management practices for development. Councilor Liberty asked about the usable space. Mr. Putnam responded to his question. Mr. Ketcham added his comments about the range of mixed uses for the site. Mr. Putnam said his presentation was meant to be illustrative of mixed use and redevelopment, which met Metro objectives. Councilor Newman asked about the ease of interpreting the Model Ordinance.

4. CONSENT AGENDA

4.1 Consideration of minutes of the May 26, 2005 Regular Council Meetings.

Motion:

Councilor Liberty moved to adopt the meeting minutes of the May 26, 2005 Regular Metro Council.

Vote:

Councilors Burkholder, Liberty, Park, Newman, Hosticka voted in support of the motion. The vote was 5 aye/1 abstain, the motion passed with Councilor McLain abstaining from the vote.
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5. ORDINANCES – SECOND READING

5.1 **Ordinance No. 04-1063A**, For the Purpose of Denying a Solid Waste Facility Franchise Application of Columbia Environmental, LLC to Operate a Local Transfer Station

Motion:	Councilor Hosticka moved to adopt Ordinance No. 04-1063A.
Seconded:	Councilor McLain seconded the motion

Mike Hoglund, Solid Waste and Recycling Director, explained the history of the application (a copy of the power point presentation is included in the record). The application was deemed complete on August 11, 2004. The public hearing was held in December 2004. The Council had a variety of questions so the applicant was given a 60-day extension. The company came in with a revised application, which allowed an additional 120-day extension. Councilor Hosticka asked what the process was for proceeding today? Deputy Council President Burkholder explained that they could take action today or defer action until July 21, 2005. Mr. Hoglund explained Council's options for approval or denial. He then reviewed the revised proposal. He noted the evaluation approach where they looked at five evaluation factors. He provided an analysis summary. Councilor Liberty asked about hauler time to the facility. Mr. Hoglund responded to his question. Councilor Park asked about services in terms of miles not time. Mr. Hoglund responded to his question. Councilor Park explained why he asked the question. Councilors talked about costs to our facilities and to ratepayers. Mr. Hoglund concluded his remarks concerning what criteria were met and what criteria were not met. Councilor Park talked about the analysis of costs. Councilor McLain asked how many times have we changed our tip fee that it hasn't been matched? Mr. Hoglund said in the past most tip fees have gone up as Metro's fees have gone up.

Deputy Council President Burkholder opened a public hearing on Ordinance No. 04-1063A.

Brian Engleson, Columbia Environmental, 310 SW 4th Ave #1100, Portland OR 97204 provided a power point presentation on Columbia Environmental (a copy of which is included in the record). He summarized that presentation in his remarks.

Ben Schonberger, Attorney for Columbia Environmental, 310 SW 4th Ave #1100 Portland OR 97204 talked about the additional information they had provided since December 2004 (a copy of his remarks are included in record). He concluded by saying he felt the public policy was increasing costs.

Mike Miller, Columbia Environmental and Gresham Sanitary, 310 SW 4th #1100 Portland OR 97204 reiterated points that had already been made. He was a board member of Columbia Environmental. He felt that they should be judged on the same criteria as the other private facilities. Columbia Environmental did not own a landfill so it was important that they do as much recovery as possible. He urged Metro to change the paradigm in the region. Without the ability for local companies to have a facility, their survival in the system was greatly compromised.

Matt Korot, City of Gresham, 1333 NW Eastman Pkwy, Gresham OR 97030 talked about the impact on the City of Gresham. He spoke to the Troutdale facility and their current rate fees. Councilor Liberty asked why the City of Portland wasn't present. Mr. Hoglund said they didn't have a recommendation.

Bruce Heiberg, Heiberg Garbage and Recycling and Columbia Environmental, 7214 SE 13th Portland OR 97202 said he wanted to stay in business. They needed the facility to help level the playing field.

David McMahon, Cloudburst Recycling, PO Box 12106 Portland OR 97212 said they were a shareholder in Oregon Recycling Systems. They had managed to survive thirty years but if they were forced to operate at a cost disadvantage, they would eventually have to go out of business. He spoke to where they would direct dry waste, Columbia Environmental. Most of their wet waste would go to Metro Central. They had been operating at a competitive disadvantage since the 1980s. Most of the customers they lost went to a large multinational company. They thought they could set a new standard for recovery. He spoke to Metro needing to do restructuring. They wanted to be part of the overall system.

David White, Oregon Refuse and Recycling Association, 1739 NW 156th Ave Beaverton, OR 97006 said he represented haulers throughout the State. He was not here speaking for a particular group. He was here asking to level the playing field. His association was asking for fairness and consistency. Deputy Council President Burkholder asked was he was in favor? Mr. White said in fairness he thought they should approve the application. Councilor McLain talked about the caps and capacity. Mr. White clarified his comments.

Vince Gilbert, East County Recycling, PO Box 120096 Portland OR 97294 said he felt that Mr. Engleson's presentation was a sheep's in wolf clothing. He said they recovered much of the dry waste in the area that Mr. Engleson was proposing to recycle. He felt their proposal was inaccurate. He agreed with staff that it would be costly to Metro Central and Metro South. Metro Central did recovery as well. He urged that they checked the numbers out first before they make a decision. He cautioned the Council. They were also a family owned company.

Mike Dewey, representing Waste Management, 1249 Commercial St. Salem, OR said they were a local company, which hired locally and paid taxes. For the record they supported the staff's recommendation. He also agreed that they did not significantly meet the criteria. He talked about the misinformation from Columbia Environmental. He talked about Metro's planning process for what to do with Metro's transfer stations.

Ray Salvi, Portland Disposal and Recycling, was chairman of the board for Columbia Environmental, 7202 NE 42nd Portland OR. He was an independent hauler. His company consisted of seven individual partners of small companies. It would be detrimental to their company if Metro didn't allow this application to move forward. Councilor Liberty asked him to answer Mr. Gilbert's question about use of his facilities. Mr. Salvi said he did use Mr. Gilbert's facility but if he had his own facility, he would go to his own facility. Councilor McLain said they needed a facility in Beaverton, not on the east side. Councilor Hosticka said he felt he was getting mixed messages. He asked for clarification. Mr. McMahon said if their costs were reduced, those costs could be passed through to the ratepayers. He spoke to their strengths, which was recovery.

David Burns, Trashco Services, PO Box 14788 Portland OR 97293 talked about passing on the savings to the public. If you can compete at a lower price, you can pass on savings to the public. He was here to preserve the small hauler. As a local hauler, they recovered more recyclables than the national company. Councilor Park commented on savings to the public.

Ty Ross, Columbia Environmental and KCDK, 310 SW 4th #1100 Portland OR 97204 said he was a small garbage hauler. He was concerned about the local haulers and how many were being eliminated. This was not about rates; this was about politics and people. He urged Council to

support the 40 local haulers who had been working for the region for many years. He urged Council not to turn their backs on them. Councilor Liberty said he had mentioned cities that had one hauler, was there research to show increases? Mr. Ross said he could find that information on the Internet.

Ray Phelps, WRI and Allied Waste, 10295 SW Ridder Rd Wilsonville, OR 97070 asked for a point of clarification. He talked about his company in Wilsonville and that they collected near their facility. Councilor Park said his facility met Metro rates, he asked Mr. Phelps about their rates. Mr. Phelps responded to his question. Councilor McLain talked about our facilities and services.

Deputy Council President Burkholder closed the public hearing.

Councilor Park asked Mr. Hoglund about the \$2.00 access fee. How did that effect the recommendation? Was it legal? Marv Fjordbeck, Senior Attorney, said Metro had adopted a differential fee. Their opinion was that the differential fee was legal. Mr. Hoglund said they had not seen anything in writing to analyze the access fee. They had heard they were considering a franchise fee to offset Metro's fixed costs, it would mitigate \$.15 off the \$.78. He spoke to the impact on the system. Councilor Park asked about how the tonnage from Metro South was factored in. Mr. Hoglund responded to his question.

Councilor Liberty commented on the costs. Mr. Hoglund talked about the assumptions of costs relative to Metro and the applicant. He spoke to a variety of variables. He talked about possible savings to the ratepayer. Councilor Liberty asked if they already used those assumptions to calculate the \$.78. Mr. Hoglund said there was a \$400,000 increase to Metro. If the other facilities matched our rate, it would be an additional \$400,000 increase to Metro beyond the initial \$400,000.

Councilor Park said if one of the other applicants that were approved in 2001, were here today, would Metro have made the same recommendation? Mr. Hoglund responded to his question. Councilor Park explained why he brought the question up. Councilor Park talked about the change in criteria, which had to do with the rate allocation model.

Councilor McLain said they had studied this thoroughly. There will always be a debate about the numbers. She reminded that circumstances changed. They had tried to support both independent and large companies. She was not in favor of postponement.

Motion:	Councilor Park moved to postpone Ordinance No. 04-1063A for consideration prior to July 21, 2005.
Seconded:	Councilor Liberty seconded the motion

Councilor Park explained why he wanted to have the postponement. Councilor Liberty explained why he was supporting the postponement. Councilor Park clarified that he was asking for the postponement. Councilor Hosticka suggested tabling this motion.

Motion:	Councilor Hosticka moved to table the Ordinance.
Seconded:	Councilor McLain seconded the motion

Councilor Liberty asked about acting on the application by July 22nd. Mr. Fjordbeck said if there were no action by July 21st, the application would be approved.

Vote to table:

Councilors Park, Burkholder, Liberty voted against the motion. Councilors McLain and Hosticka vote in support. The vote was 2 aye/3 nay, the motion failed.

Councilors talked about the information they needed prior to the July 21st deadline.

Vote to postpone:

Councilors Park, Burkholder, Liberty voted in support of the motion. Councilors McLain and Hosticka voted no. The vote was 3 aye/2 nay, the motion passed.
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5.2 **Ordinance No. 05-1080**, For the Purpose of Amending Metro Code Chapter 5.02 To Establish Metro's Solid Waste Disposal Charges and System Fees For Fiscal Year 2005-06.

Motion:	Councilor Park moved to adopt Ordinance No. 05-1080.
Seconded:	Councilor Hosticka seconded the motion

Councilor Park explained the ordinance. The Rate Review Committee had reviewed the rate. He explained the committee's recommendation. A small increase would cover increased fuel costs. He talked about other costs that were considered and questions that were raised. Councilor Hosticka asked if we approved this ordinance would it change the cost benefit analysis for Columbia Environmental? Doug Anderson, Solid Waste and Recycling Department, responded that he did not believe that it would change the analysis.

Deputy Council President Burkholder opened a public hearing on Ordinance No. 05-1080. No one came forward. Deputy Council President Burkholder closed the public hearing.

Councilor Park thanked the Rate Review Committee for their efforts and urged adoption.

Vote:

Councilors Park, Hosticka, Burkholder, Liberty voted in support of the motion. The vote was 4 aye, the motion passed.

5.3 **Ordinance No. 05-1081**, Amending Metro Code Chapter 5.05 to Include Cedar Grove Composting, Inc. on the List of Designated Facilities; and Declaring an Emergency.

Motion:	Councilor McLain moved to adopt Ordinance No. 05-1081
Seconded:	Councilor Park seconded the motion

Councilor McLain explained the ordinance. There were seven Designated Facility Agreements (DFAs) in the region. She provided the names of the current landfills. She spoke to the facility benefits and urged support.

Deputy Council President Burkholder opened a public hearing on Ordinance No. 05-1081. No one came forward. Deputy Council President Burkholder closed the public hearing.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Newman, Liberty voted in support of the motion. The vote was 6 aye, the motion passed.

5.4 **Ordinance No. 05-1083**, Amending Metro Code Chapter 5.05 to Include The Weyerhaeuser Regional Landfill on the List of Designated Facilities; And Declaring an Emergency.

Motion:	Councilor Liberty moved to adopt Ordinance No. 05-1083.
Seconded:	Councilor Newman seconded the motion

Councilor Liberty introduced the ordinance. He spoke to where the Weyerhaeuser facility was located. He talked about the kinds of waste they would take and the list of criteria required of the facility such as environmental safety, operational practices and waste reduction efforts. He urged support.

Deputy Council President Burkholder opened a public hearing on Ordinance No. 05-1083. No one came forward to testify. Deputy Council President Burkholder closed the public hearing.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Newman, Liberty voted in support of the motion. The vote was 6 aye, the motion passed.

5.5 **Ordinance No. 05-1082**, Amending Metro Code Chapter 2.02, Regarding Personnel Rules, and Declaring an Emergency.

This ordinance was postponed for consideration until June 9, 2005.

6. RESOLUTIONS

6.1 **Resolution No. 05-3584**, Authorizing the Chief Operating Officer to Enter into a Designated Facility Agreement with Cedar Grove Composting, Inc.

Motion:	Councilor McLain moved to adopt Resolution No. 05-3584.
Seconded:	Councilor Park seconded the motion

Councilor McLain said the title summarized what this resolution did. She explained the agreement and urged support.

Vote:

Councilors Park, Hosticka, Burkholder, Newman, McLain, Liberty voted in support of the motion. The vote was 6 aye, the motion passed.

6.2 **Resolution No. 05-3590**, For the Purpose of Granting a Time Extension for Title 11 of the Urban Growth Management Functional Plan Compliance Deadline for the City of Forest Grove.

Motion:	Councilor McLain moved to adopt Resolution No. 05-3590.
Seconded:	Councilor Park seconded the motion

Councilor McLain introduced the resolution. She explained that in 2002 the City of Forest Grove requested a land swap. This resolution would allow an extension for concept planning. The city was making progress for the concept plan but had to request an extension. They were also requesting a planning zone change. This was showing cooperation between the City of Forest Grove and the Metro Council. The extension was until June 2006. She urged support.

Deputy Council President Burkholder opened a public hearing on Resolution No. 05-3590.

Jon Holan, City of Forest Grove, PO Box 326, Forest Grove, OR 97116 said he was available to answer questions. Councilor Liberty asked how much land was involved? Mr. Holan said the area was about 46 acres specifically for residential. Councilor Liberty asked about staffing shortages and how would it be addressed. Mr. Holan responded to his question. Councilor Park asked about the land that was taken out of the boundary. Councilor Liberty asked staff about the number of the extensions we granted for Title 11. Sherry Oeser, Planning Department, said these were the first extension requests. Councilor Park asked if the Code allowed a one-time extension? Dick Benner, Senior Attorney, responded that they could grant up to two extensions.

Deputy Council President Burkholder closed the public hearing.

Vote:

Councilors Park, Hosticka, Burkholder, Newman, McLain, Liberty voted in support of the motion. The vote was 6 aye, the motion passed.

6.2 **Resolution No. 05-3591**, For the Purpose of Granting a Time Extension for Title 11 of the Urban Growth Management Functional Plan Compliance Deadline for the City of Sherwood.

Motion:	Councilor Hosticka moved to adopt Resolution No. 05-3591.
Seconded:	Councilor Newman seconded the motion

Councilor Hosticka said this was similar to Resolution No. 05-3590. This land was brought into the Urban Growth Boundary in 2002. Planning was underway but had not been completed. They were asking for an extension until March 2007. Councilor Liberty asked about the time granted. Councilor Hosticka responded to his question.

Deputy Council President Burkholder opened a public hearing on Resolution No. 05-3591.

Kevin Cronin, City of Sherwood, 20 NW Washington, Sherwood, OR 97140 said he was here to answer questions. Councilor Newman asked staff if this was the beginning of a cascade of requests for extensions or were most of the areas being planned? Michael Jordan, Chief Operating Officer (COO), said he thought they would see more extensions and it should be discussed at Metro Policy Advisory Committee (MPAC).

Deputy Council President Burkholder closed the public hearing.

Vote:

Councilors Park, Hosticka, Burkholder, Newman, McLain, Liberty voted in support of the motion. The vote was 6 aye, the motion passed.

7. OREGON LEGISLATIVE UPDATE

Randy Tucker, Legislative Affairs Manager, summarized what was happening in Salem.

8. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordon, COO, was not present

9. COUNCILOR COMMUNICATION

Metro Council Meeting

06/02/05

Page 8

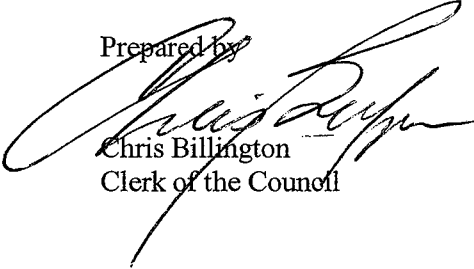
Councilor Park reminded Council about the work session next week, which had to do with the Recovery Rate Reserve.

Deputy Council President Burkholder reminded the Council that they would be considering amendments to the budget at work session next week and that the June 9th Metro Council meeting would begin at 5:00pm.

10. ADJOURN

There being no further business to come before the Metro Council, Deputy Council President Burkholder adjourned the meeting at 5:40 p.m.

Prepared by


Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JUNE 2, 2005

Item	Topic	Doc Date	Document Description	Doc. Number
4.1	Minutes	5/26/05	Minutes of the Metro Council Meeting of May 26, 2005	060205c-01
6.2	Letter	5/31/05	To: Metro Council From: Matt Seidel, Riverside Homes Inc Re: Resolution NO. 05-3590	060205c-02
5.1	Power Point Presentation	6/2/05	To: Metro Council From: Mike Hoglund, Solid Waste and Recycling Director Re: Columbia Environmental Transfer Station Application	060205c-03
5.1	Power Point Presentation	6/2/05	To: Metro Council From: Bryan Engelson, Columbia Environmental Re: Columbia Environmental Local Transfer Station application	060205c-04
3	Presentation Boards	6/2/05	To: Metro Council From: David Evans and Associates Inc Re: Habitat Friendly Design presentation board	060205c-05
3	Presentation Board	6/2/05	To: Metro Council From: OTAK Re: Habitat Friendly Design Presentation Board	060205c-06
5.1	Remarks	6/2/05	To: Metro Council From: Ben Schonberger, Columbia Environmental Re: Testimony in support of Columbia Environmental	060205c-07