

MINUTES OF THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT

January 18, 1979

Councilors in Attendance

Coun. Donna Stuhr  
Coun. Charles Williamson  
Coun. Craig Berkman  
Coun. Jack Deines  
Coun. Jane Rhodes  
Coun. Caroline Miller  
Coun. Cindy Banzer  
Coun. Gene Peterson  
Coun. Michael Burton  
Coun. Corky Kirkpatrick  
Coun. Betty Schedeen  
Coun. Marge Kafoury

Staff in Attendance

Executive Officer Rick Gustafson  
Mr. Denton Kent  
Mr. Andrew Jordan  
Mr. James Sitzman  
Mr. Robert McAbee  
Mr. Wm. Ockert  
Mr. Terry Waldele  
Ms. Judith Bieberle  
Ms. Peg Henwood  
Mr. Chuck Kemper  
Mr. Corky Ketterling  
Mr. Merle Irvine  
Ms. Caryl Waters  
Mr. Kay Rich  
Ms. Karen Tweten  
Ms. Barbara Higbee  
Ms. Sue Klobertanz  
Ms. Marilyn Holstrom  
Mr. Warren Iliff  
Ms. Mary Carder  
Ms. Jennifer Sims

Others in Attendance

Mr. Bob Weil  
Ms. Sharon Derderian  
Dr. Ron Cease  
Ms. Ethel Lee  
Ms. Jeanne Thomas  
Mr. Robert Thomas  
Mr. Ronald Watson  
Mr. Bob Sandmann  
Mr. Bob Bothman  
Mr. Tom Walsh  
Ms. Linda Macpherson  
Mr. Roy Ruel  
Mr. Peter Schnell  
Mr. R. C. Smelser  
Mr. Ted Spence  
Ms. Jeanne McCormick  
Mr. John Penrod  
Mr. Bill Culliam  
Mr. Michael Alesko  
Mr. Fred Leeson  
Mr. Phil Keisling  
Ms. Nancy Verkaamp  
Mr. Tom Current  
Mr. Jim Allison

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CALL TO ORDER

After declaration of a quorum, the January 18, 1979, meeting of the Council of the Metropolitan Service District (MSD) was called to order by Presiding Officer Michael Burton at 7:00 p.m. in Conference Room "C" of the MSD offices at 527 Hall Street.

1. WRITTEN COMMUNICATIONS TO THE COUNCIL

Mr. Tom Current, chairman of an East Multnomah County citizens committee, circulated a letter to the Council expressing concerns of that committee regarding the impact on the neighborhood of a proposal for a light rail project, and supporting a resolution introduced by Counc. Peterson, Schedeen and Banzer.

2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS

Ms. Mary Elizabeth Blunt, representing the League of Women Voters Metropolitan Committee, circulated copies of the League brochure "The Metropolitan Connection."

Chairman Burton said he had previously received a copy of the publication, and complimented the League on their fine work.

Mr. Richard Smelzer, a West Linn homebuilder, asked Council support of the new Land Market Monitoring Committee, and cited the need for more buildable land in the Clackamas County area.

Chairman Burton introduced Mr. Victor Jones, Department of Political Science at Berkeley, and said Mr. Jones was visiting MSD in connection with his work on regional issues for the National Association of Regional Councils.

3. CONSENT AGENDA

3.1 Minutes of Meeting of January 4, 1979

3.2 A-95 Reviews

3.3 Funding Authorization for Sandy Boulevard TSM Project (Resolution No. 79-9)

3.4 Funding Authorization for Planning Activities on Banfield Transitway (Resolution No. 79-7)

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Councilor Williamson expressed concern in connection with action on A-95 grants. Chairman Burton explained that the Council was not asked to approve the projects, only to comment on them.

Coun. Williamson moved, seconded by Coun. Stuhr, that items 3.1, 3.2, 3.3 and 3.4 of the Consent Agenda be approved. The motion carried unanimously.

4. REPORTS

4.1 Reports from Executive Officer

Executive Officer Gustafson indicated to Council that their contact for the agency would be Judy Bieberle.

The Executive announced the receipt of over \$1,200,000 in LEAA funds for pass through to various local projects, and informed the Council that a report on a proposed plan for Criminal Justice System Improvement will be presented to them at their briefing on January 25.

The Executive Officer and Chief Administrative Officer met with the Attorney General in Salem regarding the Urban Growth Boundary. At that time Rep. Glenn Otto requested a joint hearing with the Council.

Mr. Chuck Kemper, former MSD Director, has been contracted to continue negotiations with Publishers Paper on the Resources Recovery Plant.

Executive Officer Gustafson explained that, after investigating all alternatives proposed for office space, it was decided that a proposal by US National Bancorp to remodel the existing building would be the best and least expensive choice to consolidate the two MSD offices.

Coun. Miller asked if available school property had been considered. Executive Officer Gustafson said he had not received a letter Coun. Miller had referred to regarding such property.

Coun. Stuhr complimented staff on the work done to locate a satisfactory facility, and the information provided Council. She moved, seconded by Coun. Schedeen,

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that the Council authorize the Executive Officer to seek an acceptable arrangement with the US National Bancorp for remodeling of the University Center offices, subject to expenditure of a maximum of \$205,000, and of a lease not to exceed five years. If an agreement cannot be reached, the Executive Officer shall return to the Council with an alternative proposal.

Coun. Berkman asked if the estimated costs would be absorbed entirely by the remodeling, and if those costs would be included in the estimated rent. The Executive Officer said they were all included in the proposal, assuming that the Terminal Sales Building offices could be sublet.

In answer to Councilor Rhodes, Executive Officer Gustafson said staff, given two alternatives, had expressed a preference for remaining in the present location. Mr. Gustafson said staff would have significant input into plans for the remodeling.

Question was called on the motion. The motion carried unanimously.

4.2 Status of "208" Water Quality Management Plan

Mr. Terry Waldele reported on the status of the "208" Water Quality Management Plan ("Waste Treatment Management Component of the Public Facilities and Services Element of the Regional Plan"), giving the background of development of the plan through efforts of CRAG staff, and its use to coordinate local sewerage capital improvements in the tricounty area.

Mr. Waldele said EPA had pointed out areas where additional planning was needed and that MSD staff is currently developing a work program to address several of these items. It is expected that a federal grant in the amount of \$121,500 will be awarded in the near future.

There was no Council action requested on this matter.

5. OLD BUSINESS

5.1 Ordinance No. 79-65, Providing for Rules of Procedure for Conduct of Council Meetings, Transaction of Council

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Business and Repealing all Prior Rules of Procedure  
(First Reading)

Coun. Peterson moved, seconded by Coun. Stuhr, that the first reading of Ordinance No. 79-65 be by title only. Mr. Jordan read the ordinance by title.

Coun. Kafoury asked that staff revise the rules, deleting all references to "Chairman" or to "him."

Coun. Banzcr moved, seconded by Chairman Burton, that the staff remove the gender from language of the rules.

Mr. Jim Allison, Rt. 3, Box M73, Sherwood, Oregon, said he is chairman of the Washington County Landowners Association and has a personal interest in the Rules of Procedure. He proposed amendments to the ordinance, circulating a copy of his proposal to the Council.

There was Council discussion of Mr. Allison's proposal.

The Council received written testimony from Anne Nichel, Milwaukie City Council and Michael Stoops, concerning the Rules of Procedure.

5.2 Ordinance No. 79-66, Providing for Assessment of Local Governments for Operation of the Metropolitan Service District Planning Function for the Second Half of FY 1979 (First Reading)

Coun. Peterson moved, seconded by Coun. Stuhr, that Ordinance No. 79-66 be read the first time by title only. Motion carried unanimously. Mr. Jordan read the Ordinance by title.

Mr. Kent informed the Council that the city of North Plains had been included in the list in this ordinance, and that North Plains was not subject to this action.

Executive Officer Gustafson explained that a recommendation had been made for dues of 50¢ per capita and that \$50,000 be credited to the jurisdictions, consistent with the CRAG Board recommendation.

A short break was taken.

5.3 Landfill Siting Procedures (Resolution No. 79-12)

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Coun. Peterson moved, seconded by Coun. Schedeen, that Resolution No. 79-12, Adopting Procedures for Siting Sanitary Landfills, be adopted.

Coun. Berkman explained that he, Executive Officer Gustafson and a representative from Washington County had met regarding the Durham landfill site. Coun. Berkman felt MSD had an obligation to try to develop a management program to dispose of solid waste. He said there had been a great deal of comment regarding creation of a successful resource recovery program. Cities have communicated their concerns, and the EPA and DEQ have been working to try to solve the problem. This resolution had been developed to set the policy of the agency and to instruct staff and the Executive Officer to look into the total solid waste problem and implementation of landfill sites.

Executive Officer Gustafson explained that two minor amendments had been made in the resolution which merely improved the language. He said that modifications made to the siting procedure which were agreed to at the briefing session of January 11, had been incorporated into the siting procedure presented for adoption at this meeting.

Mr. Merle Irvine explained the proposed Procedure for Siting Landfill.

Coun. Peterson suggested amendment of the first paragraph to change the word "space" to "capacity."

Coun. Kafoury suggested that the procedure be amended to allow examination of more than one site at a time.

Coun. Berkman suggested that staff provide the Council with a list of potential sites.

There was further discussion of the proposed procedures.

Gerry Powell, chairman of the Solid Waste Advisory Committee, pointed out that staff and the committee had been working on this proposal for over a year, and that there was a reason for looking at all sites in a variety of ways.

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Mr. Ronald Watson, attorney, asked that the wording be changed to permit private industry to obtain sites.

Coun. Williamson moved, seconded by Coun. Miller, that the procedure be amended to delete, in paragraph 1, the words "from property owners." The motion carried unanimously.

Mr. Cowles Mallory, administrator of public works for the city of Portland, said the City had expressed itself on this matter through a letter to the Council, and that he would appreciate consideration of the suggestions for revision made by the City.

Question called on main motion. The motion carried unanimously.

Executive Officer Gustafson explained that a resolution had been prepared incorporating the revisions requested by the city of Portland which pertained to scheduling for siting an alternate to the St. Johns landfill. He said it would be appropriate for the Council to go on record in support of previous MSD commitments.

Coun. Berkman moved, seconded by Coun. Miller, that the amendment to Resolution No. 79-12 be adopted. The motion carried unanimously.

6. NEW BUSINESS

6.1 Resource Recovery Project - Financial Consultant Agreement

Executive Officer Gustafson explained that an agreement had been developed by the prior MSD Board and negotiated with a financial consultant for the Resource Recovery Project.

Coun. Stuhr moved, seconded by Coun. Rhodes, that the Council authorize the Executive Officer to execute an agreement with financial consultants Paine Webber Jackson & Curtis to provide financial advice in connection with the Resource Recovery Project.

Coun. Miller said she had concern about the piecemeal hiring of consultants.

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Chairman Burton said the hiring of a financial consultant and an engineering advisor would put the Council in the best position for negotiation. He did not see this as a piecemeal approach, but as part of the entire picture.

Question called on the motion. The motion carried unanimously.

6.2 Resource Recovery Project - Phase II Engineering Agreement.

Mr. Corky Ketterling gave Council some background on MSD's efforts to develop a Resource Recovery Facility, and the necessity for additional engineering work prior to execution of final agreements. There has been some disagreement as to an arrangement for sharing the cost of the work.

Mr. Kettlering further explained that monies have been authorized and budgeted for Phase II engineering work, and that, if the project proceeds the monies can be defrayed by the EPA grant and a reimbursement from Publishers Paper Company of up to \$50,000.

Council discussed with the Executive Officer various facets of the Agreement, and expressed a desire that the Executive Officer consult with the Council as this matter progresses.

Chairman Burton said it appeared the Council needed time for more discussion of this matter.

Coun. Stuhr asked what the time frame was.

Mr. Gustafson explained that MSD had been attempting to reach agreement for five months, and could now proceed to gather information toward signing a final agreement.

After further discussion the Council agreed that it should act on this motion. Question called on the motion. The motion carried unanimously.

With the consent of the Council, Chairman Burton said item 6.7 would be taken out of order, since there were persons in the audience who wished to speak on this matter.

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6.7 Proposed Legislative Program for the Metropolitan Service District.

Ms. Anne Kelly Feeney, legislative representative for the MSD, outlined for the Council bills proposed for introduction at the 1979 Legislature. She said there had been no substantive changes made in the proposed bills after the discussion with Council at the committee meeting.

Coun. Williamson moved that the Council adopt Bills #1 and #2, as set forth in the memorandum from the Executive Officer. He said these items had been discussed at the Committee of the Whole meeting.

Coun. Deines said he had real qualms about Section 13, of Bill #1, which permits Clark County to have a vote on the MSD Council, and he requested that it be deleted.

Coun. Deines moved, seconded by Coun. Banzer that Section 13 be deleted from Bill #1.

Coun. Kirkpatrick felt this problem should be faced head on and that the Council should demonstrate that it is trying to include Clark County in the region.

Coun. Williamson explained that there was some urgency to getting the bills before the legislature, and that sections could be deleted after it was presented.

There was Council discussion about the legislative package.

Question called on the motion. Rollcall vote. Deines and Banzer voted aye. Peterson, Kafoury, Burton, Stuhr, Williamson, Berkman, Kirkpatrick, Rhodes and Schedeen voted nay. Miller abstained. The motion failed.

Coun. Miller explained that she had been absent at the committee meeting when this material was discussed, and for that reason, she did not feel qualified to vote.

Coun. Banzer said her vote should in no way be construed as not wanting to cooperate with Clark County, but that she was concerned about the legal procedures.

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Coun. Kafoury questioned the language of Section 4, Bill #2. Mr. Jordan said he would make some changes in the grammar in this section.

Question called on main motion. All Councilors present voted aye except Coun. Miller, who abstained, since she had not been present when this matter was discussed.

Regarding Bill #3, Coun. Williamson moved, seconded by Coun. Deines that the Council adopt Bill #3.

Councilor Kafoury circulated a memorandum to Councilors expressing her concerns regarding a proposed bill to permit siting of a solid waste disposal site in an exclusive farm-use zone. She asked the Council to join her in voting not to submit this request to the Legislature.

Coun. Stuhr asked if the Council would consider tabling this bill to give time to consider the material just received. There might be further material forthcoming that the Council would wish to consider.

Coun. Stuhr moved, seconded by Coun. Miller that Bill #3 of the legislative package be tabled.

Rollcall vote. Miller, Kafoury, Burton, Stuhr and Deines voted aye. Schedeen, Banzer, Peterson, Williamson, Berkman Kirkpatrick and Rhodes voted nay. The motion failed.

Coun. Williamson moved, seconded by Coun. Peterson, that this matter be postponed until the next regular Council meeting.

There was Council discussion of the effect this would have on the legislative package.

Question called on the motion. All Councilors except Kirkpatrick and Burton voted aye. The motion carried.

Coun. Berkman said he had proposed a resolution speaking to the matter of solid waste disposal siting. He felt the agency should have the tools to effectively carry out the work of waste disposal and that it appears that local jurisdictions are not willing to bear the

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responsibility for landfill siting. The resolution requests a change in legislative authority to give the MSD authority to make that decision.

Coun. Schedeen moved, seconded by Coun. Banzer to adopt the Resolution introduced by Coun. Berkman to seek legislation permitting MSD to determine solid waste disposal and landfill sites as part of the legislative package of proposed amendments to Ordinance No. 268.

Coun. Peterson asked if it was essential to get this into the MSD Legislative package at this time.

Coun. Deines said he was very much against this proposal. He did not want to see the MSD usurp local power.

There was Council discussion concerning the merits of the resolution.

Coun. Kirkpatrick moved, seconded by Coun. Schedeen, to postpone this matter until the next regular meeting of the Council. Coun. Schedeen and Coun. Banzer withdrew the original motion.

There was Council discussion of the motion, and whether or not a vote was necessary. The Chair ruled that the motion had been withdrawn, which made the question moot.

Coun. Berkman said he felt some urgency for the Council to deal with the problem. He felt perhaps an ad hoc committee could be formed to get public input on the subject.

Chairman Burton said there were two other resolutions before the Council concerning light rail, one introduced by Coun. Kafoury and the other introduced by Couns. Peterson, Banzer and Schedeen. Chairman Burton said these would be discussed concurrently without a formal motion. Chairman Burton asked for public comment on the resolutions.

Mr. Martin Cramton, Director of Planning and Development for Multnomah County, said he felt the Resolutions

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were advisory in nature. Mr. Cramton wanted to make clear that land use decisions were not being pursued in support of light rail. Mr. Cramton was concerned that the Council, through adoption of this resolution, might be suggesting that the options available to elected officials might somehow be limited. Mr. Cramton felt the resolution was unnecessary.

Coun. Peterson said the resolution was intended to be advisory.

Chairman Burton suggested that discussion on this aspect be held at the Council work session, and considered at the next regular meeting.

Mr. O.B. Harr, Chairman of Research and Information for East County Concerned Citizens submitted a written statement and support the resolution introduced by Couns. Peterson, Banzer and Schedeen. (amended 2/8/79)  
Mr. Bob Post, Program Manager for the Banfield Project for Tri-Met felt the amount stated in the management summary was in error and that it should be \$17.8 million rather than \$18.6 million.

Coun. Peterson moved, seconded by Coun. Deines, that consideration of the two resolutions pertaining to light rail be postponed. The motion carried with all councilors voting aye except Coun. Banzer, who voted nay.

6.3 Zoo Entrance Plaza (Bid Award)

McKay Rich, Assistant Director of the Zoo, circulated a memorandum to the Council delineating bids received by the MSD on the afternoon of the meeting. Bids received were: Bart Hess Building Contractors, \$328,800; Gene H. Settergren, \$365,200; Ralph D. McDowell Corporation, \$333,500. Staff recommended the bid award to the low bidder, Bart Hess Building Contractors for \$328,800.

Coun. Deines moved, seconded by Coun. Stuhr, that the Council award the bid to Bart Hess Building Contractors and authorize the Executive Officer to sign a contract for the Zoo Entrance Plaza.

There was discussion of the original estimate and reasons for the difference in the amount.

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Question called on the motion. The motion carried unanimously.

6.4 1978-1979 LCDC Planning Assistance Grant Offer (Resolution No. 79-8)

Chairman Burton said it had been requested to hold this item over to the next regular Council meeting.

6.5 Continuation of CRAG Goals, Objectives and Plans (Resolution No. 79-10)

Mr. Andrew Jordan explained that Resolution No. 78-10 would continue the CRAG Goals and Objectives, Land Use Framework Plan, "208" Water Quality Public Facilities Plans and other rules regarding implementation of the Plan.

Coun. Rhodes asked why this was coming before the Council if the Council was going to review the matter in ninety days.

Mr. Jordan explained that the Goals, Objectives and Plans continue in effect, but that passage of this resolution would reinforce the intent of Council to continue them for the time being.

Coun. Peterson asked that this be deferred to the next regular meeting of the Council.

Coun. Williamson moved, seconded by Coun. Schedeen that Resolution No. 79-10 be adopted.

Mr. James Sitzman outlined the purpose of the Goals and said they were intended as guidance to local jurisdictions in their planning programs.

Coun. Rhodes felt a major revision would be necessary in the next few months to fit the designation of MSD.

Coun. Peterson did not see an urgency to this action and moved, seconded by Coun. Schedeen to postpone action on this resolution until another meeting.

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Question called on the motion. All Councilors present voted aye except Coun. Stuhr. The motion carried.

6.6 Cipole Sanitary Landfill (Resolution No. 79-11)

Chairman Burton said he was going to move this item from the Agenda for later consideration.

Mr. Lloyd Gilbertson asked to speak, saying he was present at the request of the Cipole neighborhood. He congratulated the Council on adoption of the landfill siting procedures, and recommended that all sites have water and sewer facilities, and that a point system be developed for evaluation of sites. He felt private industry should have an incentive to provide suitable sites.

Mr. Claude Briniger said he "is" (the owner of the) Cipole site, and was worried about the power of MSD to condemn property. He said he had material he wished to remove from the site.

Chairman Burton said he intended to discuss the solid waste matter at a committee meeting, but felt it important to appoint a task force from the Council to receive public input toward preparing directive policy.

Coun. Schedeen moved, seconded by Coun. Rhodes that the Chairman appoint a Solid Waste Task Force, and that the Solid Waste Advisory Committee be included in that Task Force.

Coun. Kirkpatrick suggested that the Council work first through that Advisory Committee.

Coun. Stuhr supported the motion, and felt some items should be dealt with through committees.

Coun. Miller was concerned with small groups holding public hearings. She agreed with Coun. Kirkpatrick that the Council could work through the existing committee.

Coun. Banzer felt members of the Council should be involved.

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It was the general Council consensus that more knowledge of solid waste matters would be helpful.

Chairman Burton said he would appoint Coun. Berkman as chairman of a Task Force with Coun. Rhodes and Deines to sit with the already acting Advisory Committee regarding solid waste matters.

Question called on motion. All Councilors present voted aye except Coun. Kirkpatrick who voted nay. The motion carried.

- 6.7 Proposed Legislative Program for the Metropolitan Service District (See page 20 of these minutes for action on this item)

The meeting was adjourned.

Respectfully submitted,



Mary E. Carder  
Clerk of the Council