

MINUTES OF THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT

May 24, 1979

Councilors in Attendance

Chairman Michael Burton  
Vice Chairman Donna Stuhr  
Coun. Charles Williamson  
Coun. Corky Kirkpatrick  
Coun. Jack Deines  
Coun. Jane Rhodes  
Coun. Betty Schedeen  
Coun. Cindy Banzer  
Coun. Gene Peterson  
Coun. Marge Kafoury

Others in Attendance

Mr. Ted Spence  
Ms. Beth Blunt  
Mr. R. W. Blunt, Jr.  
Mr. Paul Bay  
Mr. Ken Johnsen  
Ms. Marlene Leahy  
Mr. Dan Van Dyke  
Mr. Jeff Ballweber  
Mr. Steve Lockwood  
Mr. Fred Leeson  
Mr. Lynn Dingler  
Mr. Daniel Selens

Councilors Not in Attendance

Coun. Craig Berkman  
Coun. Caroline Miller

Staff in Attendance

Mr. Denton U. Kent  
Mr. Andrew Jordan  
Mr. James Sitzman  
Ms. Sue Klobertanz  
Ms. Jennifer Sims  
Ms. Linda Brentano  
Mr. Terry Waldele  
Mr. William Ockert  
Mr. Tom O'Connor  
Ms. Peg Henwood  
Mr. Charles Shell  
Ms. Caryl Waters  
Ms. Gretchen Wolfe  
Ms. Judith Bieberle  
Ms. Mary Carder

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CALL TO ORDER

After declaration of a quorum, the May 24, 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 S.W. Hall Street.

1. INTRODUCTIONS

Vice Chairman Stuhr introduced Gretchen Wolfe, and said she is the recently hired Public Involvement Coordinator in the MSD Local Government Citizen Involvement Services Division.

2. WRITTEN COMMUNICATIONS TO THE COUNCIL

There were no written communications to the Council to be introduced at this time.

3. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

There were no citizens present who wished to address the Council.

4. CONSENT AGENDA

4.1 Minutes of the meeting of May 10, 1979.

4.2 A-95 Review.

4.3 Resolution No. 79-48, Amendment to Transportation Improvement Program (TIP) to include revision to Tri-Met Bus Radio Project.

Coun. Kafoury moved, seconded by Coun. Kirkpatrick, that the consent agenda be approved.

Chairman Burton announced that there was a correction to the minutes on p. 11, the next to the last paragraph. Under No. 9 Announcements, the second line should be changed to "City of Portland" rather than "Port of Portland."

Coun. Peterson asked to make a correction on p. 5 of the minutes, next to the last paragraph, the last portion of the last sentence "...joining of Portland with..." and change to "...incorporation or annexation of East County communities."

All Councilors present voting aye, the motion carried unanimously.

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- 4.4 A-95 Review of Portland International Airport Masterplan Environmental Impact Assessment Report. (Item added after initial publication of the Agenda.)

See p. 6 of these minutes for action on this item.

5. REPORTS

5.1 Report from Executive Officer

Chief Administrative Officer Kent indicated that Mr. Gustafson regretted that a family health problem kept him from attending the meeting.

In the absence of the Executive Officer, Ms. Caryl Waters gave the legislative report. She reported on HB 2846 (Landfill Franchising and Pollution Control Tax Credit); HB 3078 (Urban Growth Boundary); HB 2722 (Voter's Pamphlet); HB 3069 (Emergency Landfill Siting); HB 3040 (Landfill Siting in EFU Zone); HB 2328 (MSD Omnibus Bill); SB 925 (Emergency Landfill Siting and EFU Siting).

Ms. Waters reported that two of the MSD bills had passed the House and had been referred to Senate Committees. She said thigs are moving fast and, for that reason, it may be necessary to move forward without Council input. She urged Councilors to call either Anne Kelly or Caryl Waters for a report on the current status of any MSD bill.

There was no action required on this item and none was taken.

5.2 Council Committee Reports

Johnson Creek: Coun. Rhodes reported that the Johnson Creek Task Force had a new member, Mr. David Bantz.

Coun. Rhodes moved, seconded by Coun. Williamson, that the Chairman appoint, and the Council affirm the appointment of, Mr. David Bantz to the Johnson Creek Task Force. All Councilors present voting aye, the motion carried unanimously.

Coun. Rhodes continued that a work session had been held and that all jurisdictions had been very positive about accepting the interim guidelines with the possible exception of Gresham. However, Coun. Rhodes was sure that within two or three weeks there would be definite guidelines agreed upon by the jurisdictions. Coun. Rhodes said those guidelines would come before the Council for acceptance.

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Coun. Rhodes reported that there is a Bill before the House requested by a couple living on Johnson Creek who want to put a hydroelectric barrier into Johnson Creek. The Bill has been drafted and amended. Coun. Rhodes felt that there would be controls on such projects through strong permit requirements.

Solid Waste/Public Facilities Committee. Coun. Deines reported that the Solid Waste Committee minutes were in the packet and that he had nothing further to report than what was included in those minutes.

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Planning and Development Committee. Coun. Kafoury said minutes of the Planning and Development Committee meetings were included in the packet. She explained that at the May 21 meeting there had been discussion about the city of Durham and that members had expressed concern about the Durham Comprehensive Plan. Tuesday, May 29, 1979, the Planning and Development Committee will have an extra meeting, since their regular meeting date would fall on the Memorial Day holiday.

Zoo Committee. Coun. Banzer said the next meeting of the Zoo Committee would be May 30, 1979, at 5:30 p.m. at the Zoo.

Local Elected Officials Advisory Committee. Coun. Burton said the Local Elected Officials Advisory Committee had met Wednesday, May 23, 1979, at the Zoo and although there were only a few jurisdictions represented, the Committee adopted by-laws and elected a Steering Committee. Mr. Burton said the Committee expected to define a little more clearly the role of the Steering Committee. An agenda will be established for their next meeting.

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Transportation Committee. Coun. Williamson said the minutes included in the packet had set forth what the Committee had accomplished. The next meeting of the Transportation Committee will be June 14, 1979, at 7:30 a.m., the place to be announced.

Coun. Kafoury said she had read the minutes and noted that Bill Young had expressed concern that the Committee was not doing more on the question of energy. Coun. Williamson said the Committee did have some concern about use of staff resources and they did not want to be duplicating what other people were doing. Coun. Kafoury said that the Committee could consider using MSD as a clearing house for that kind of information.

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Ways and Means Committee. Coun. Kirkpatrick said that two of the items on the Council Agenda were from the Ways and Means Committee and that they would be discussed at the time they came up on the agenda.

Coun. Kirkpatrick said that the Committee has started looking at long-term planning and long-term financing. The Committee is considering appointment of a fairly large Task Force structure patterned after the Tri-County Local Government Commission and, in fact, plans to use a number of those people.

Councilors should submit names to the Committee of persons who are interested in serving on the Task Force.

Citizen Involvement. Coun. Stuhr said she was a committee of one for Citizen Involvement. She said that there was some concern with the citizen involvement process and that it was desirable to have the input of citizens at all hearings. Coun. Stuhr suggested that each Policy Alternative Committee appoint a subcommittee to identify issues that need to be communicated to the public. She suggested that the most appropriate way to communicate the issues would be to ask that subcommittees work with public information and citizen involvement divisions in making recommendations about the issues. Each of the Policy Alternative Committees and Council Committees should consider this possibility and make suggestions for implementation to Coun. Stuhr or to Gretchen Wolfe.

There was discussion about the monthly newsletter and whether Councilors could submit names to be added to the mailing list.

- 5.3 A-95 Review Process: Coun. Burton explained the A-95 Review Process. He said that A-95 Review is an administrative process developed by the Office of Management and Budget designed to insure coordination of federally assisted programs between federal agencies with state, regional, and local planning programs. He explained that the process is implemented by state and areawide clearinghouses designated by the OMB. He further explained the method used by clearinghouses to conduct a review of projects and criteria used in the review of the proposals.

Chairman Burton recommended the following modifications of the MSD A-95 Review Process:

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1. Submission of proposed grants directly related to MSD programs for Council review prior to release of clearinghouse comments.
2. Council Committees be provided with staff reports concerning grant applications related to their areas of responsibility.
3. Proposed grants not directly related to MSD programs such as poverty, aging, child care and health will not be subject to Council review. A written report listing staff recommendations will be provided on a monthly basis.

Coun. Kirkpatrick said this process sounded good. She suggested that a report covering the A-95 Review Process be submitted to NARC for inclusion in the monthly FOCUS. Such a process demonstrates that the MSD is doing creative things with its new government.

Coun. Kirkpatrick reminded the Chairman that Section 4.4, A-95 Review of Portland International Airport Masterplan Environmental Impact Assessment Report, had not been included in the consent agenda.

4.4 A-95 Review of Port. International Airport Masterplan Environmental Impact Assessment Report.

The Chief Administrative Officer explained that Multnomah County had requested a thirty-day extension to provide input into the A-95 Review of this project, but later withdrew that request. Therefore, MSD issued a favorable comment letter noting that there was still additional work to be done and suggesting that the noise issue be settled with Multnomah County. It would be favorable for the Port to file this plan with the FAA prior to June 1, and since the next Council meeting would fall after that time, it was necessary to put this item on this Council agenda.

A-95 Review comments had been provided to the Port which recommended approval of the Master Plan with the condition that a separate noise abatement element be developed, should the DEQ adopt airport noise control standards currently under consideration. MSD recommended that the Port of Portland continue to work with the Environmental Quality Commission and Multnomah County to develop a noise abatement program consistent with DEQ's noise control standards.

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Councilors discussed the report and the noise control problem.

A vote was taken on the motion. All Councilors present voting aye, the motion carried unanimously.

6. OLD BUSINESS

6.1 Ordinance No. 79-71, Adopting MSD's Portion of Oregon Clean Air Implementation Plan (SIP Revisions, Sections 4.2 and 4.3) (Second Reading).

It having been ascertained that there were no Council objections, the Clerk read Ordinance No. 79-71 the second time by title only.

Coun. Williamson explained that hearings had been held on the adoption of the proposed SIP Revisions. At the May 10 hearing, John Platt, Executive Director of the Oregon Environmental Council (OEC), had testified on behalf of the OEC and raised some issues regarding the proposed SIP Revisions. Staff has responded to those issues and Council has been provided with a copy of that response. In addition to the recommended changes to the SIP Revisions discussed at the hearing, staff recommends that the SIP Revisions and Ordinance No. 79-71 be amended as follows:

1. The reference to the Oregon Environmental Quality Council in Section 2 of the Ordinance should be corrected to read: "Environmental Quality Commission."
2. The Ordinance should be amended to indicate that the base data and assumptions in the SIP are not intended to control development or growth "at the present time."
3. The Ordinance should be amended by addition of the following section:

"Section 4. In recognition of the substantial concerns raised regarding the health and welfare implications of using the Federal Standard for ozone as the basis for the SIP Revisions the Council may re-evaluate the ozone standard in the future and, if necessary, exercise the full measure of MSD's powers to improve and maintain the quality of air resources in the metropolitan area."

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Coun. Kafoury said she disagreed with the staff categorization and viewed the indirect source rule as a transportation control strategy. She felt the strategy had worked very well in negotiating with applicants for mitigating activities such as turn out lanes, better parking lots, etc. Coun. Kafoury said she strongly supported this program.

Coun. Williamson outlined reasons for not including the state ozone standard in the SIP. He said it was in the original SIP and, therefore, it was not recommended that it be specifically outlined in the amendments.

Coun. Williamson moved, seconded by Coun. Rhodes, that the SIP Revisions referred to in Exhibit "A" of Ordinance No. 79-71 be amended as recommended above, and that Ordinance No. 79-71 also be amended as recommended in the staff report.

A vote was taken on the motion to amend. All Councilors present voting aye, the motion carried unanimously.

A short break was taken.

7. NEW BUSINESS

7.1 Resolution No. 79-49, Approving FY 1980 Unified Work Program (UWP).

Coun. Williamson moved, seconded by Coun. Kafoury, that Resolution No. 79-49 be adopted.

Coun. Williamson explained that both TPAC and JPACT had reviewed this Resolution and had recommended approval. Coun. Williamson explained that the FY 1980 Unified Work Program (UWP) described the transportation/air quality planning activities to be carried out in the Portland/Vancouver metropolitan region during the fiscal year beginning July 1, 1979. This document included federally funded studies to be conducted by MSD, Clark County Regional Planning Council (RPC), Tri-Met, ODOT, and local jurisdictions. Coun. Williamson requested that the Council approve the UWP, subject to the Washington State/MSD portion being approved by the Clark County RPC.



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Chairman Burton reported that he, Coun. Stuhr and Mr. Kent had met recently with representatives of Clark County, the city of Vancouver, and the Director of the RPS. At that time it was agreed to meet on a regular basis and to have elected officials of this Council meet with that group on a social basis every six months. Chairman Burton said that there had been a great deal of coordination at the staff level and that he appreciated the work being done by staff in this matter.

Coun. William said that the next meeting of the JPACT would be held in the state of Washington.

Chairman Burton informed the Council that staff was investigating the possibility of holding a fall workshop to discuss bi-state Intergovernmental Cooperation. He said they would try to include legislators from both the states of Oregon and Washington.

A vote was taken on the motion. All Councilors present voting aye, the motion carried unanimously.

7.2 Resolution No. 79-50, Responding to Proposals to Annex Land to Metropolitan Service District.

Coun. Rhodes moved, seconded by Coun. Stuhr, to adopt Resolution No. 79-50.

Coun. Kafoury explained that as a matter of routine, the Portland Metropolitan Area Local Government Boundary Commission asks for input from agencies which might possibly be affected by an annexation proposal. The Planning and Development Committee has discussed the question of agency policy and prepared the attached Resolution for Council consideration. The proposed policy does not place MSD in the position of encouraging land owners outside the District to annex to the District, and it does not interfere with MSD's ability to annex land when it is in the interest of the District to do so. The policy applies current land use designations and makes no commitments regarding change in designations.

Coun. Kafoury asked Mr. Sitzman to respond to a letter pertaining to this matter, received from Mr. Larry Frazier, Director of Planning for Washington County.

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Mr. Sitzman outlined the letter addressed to the Council by Mr. Frazier. He said Mr. Frazier indicated a concern that people proposing annexations to the District would almost always have in mind getting inside the UGB. Mr. Frazier did not believe the Council should take a standard "no objection," but should evaluate the matter of inclusion of the property in the UGB before indicating a willingness to annex it into the District.

Mr. Sitzman said that such reviews could be costly and if the MSD makes it clear by a policy of "no objection" that the annexed property will carry the existing designation, annexation proposals anticipating UGB status may be discouraged.

Coun. Rhodes submitted that there were no clear-cut cases and she suggested that UGB determinations fit into MSD's annual schedule for consideration of inclusion in the UGB.

There was further discussion of the matter of a "no objection" policy on requests from the Boundary Commission.

A vote was taken on the motion. All councilors present voting aye, the motion carried unanimously.

7.3 Resolution No. 79-51, Continuing Activities Under Intergovernmental Relations Division State Planning Grant.

Coun. Stuhr moved, seconded by Coun. Schedeen, that Resolution No. 79-51 be adopted.

Mr. Kent explained that the state legislature had authorized that state planning grants in the sum of \$5,000 be awarded to Councils of Government throughout Oregon. CRAG had applied for and received such a grant. Due to the creation of the new MSD, the agency had been requested to indicate support for continuation of activities under this grant.

Mr. Kent informed the Council that the legislature has discontinued state planning grants beginning in fiscal year 1980. He said that the matching grant funds are currently programmed in the FY 1979 Budget and that if there is no action taken, the remaining \$2,500 may not be disbursed.

Question called on the motion. All Councilors present voting aye, the motion carried unanimously.

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7.4 Resolution No. 79-52, Establishing Controls on Implementation of FY 1980 Budget.

Coun. Banzer moved, seconded by Coun. Kirkpatrick, that Resolution No. 79-52 be adopted.

Coun. Banzer explained that Resolution No. 79-52 had been forwarded to the Ways and Means Committee for consideration prior to being introduced at the Council meeting. She explained that the proposed Resolution is an amended version of the resolution that she and two other Councilors had drafted to address the following considerations: 1) the establishment of a larger contingency, and 2) providing for stricter controls. Coun. Banzer recommended that the Council adopt the resolution.

Chairman Burton said that this resolution had been drafted because of Councilor's concern regarding a contingency, and that he would vote in favor of this resolution. However, he would reserve the right to make a motion to reduce certain positions at the time of final adoption of the Budget. He said that the resolution includes, as an attachment, the recommendation of the Executive Officer through the Ways and Means Committee.

Coun. Kirkpatrick said that this was a two step Ways and Means process; several Council members had prepared a resolution and asked for the support of the Ways and Means Committee. The Ways and Means Committee recommended adoption of the resolution and the attachment.

Coun. Williamson said he had reservations about the adoption of this resolution at this time, and expressed concern that the Council might be dealing with the budget issue piecemeal.

Coun. Williamson moved, seconded by Coun. Stuhr, to postpone this resolution for consideration until the Budget is returned to the Council from the Tax Supervisory and Conservation Commission (TSCC), when the motions that other people plan to make on the Budget will also be before the Council.

Coun. Banzer felt that the Council should vote to override the motion to postpone. She expressed her desire for a larger contingency to provide for fiscal healthiness.

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Coun. Stuhr submitted that the proposed measures would be taken by the Executive Officer and the Chief Administrative Officer regardless of whether or not the resolution was adopted.

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Coun. Kafoury said that she would support the main motion. She wanted to make it clear that she was convinced that the Executive Officer and his staff had every intention of carrying out all the things that were recommended in this resolution.

Question was called on the motion. The motion failed.

There was discussion on the main motion, after which there was a roll call vote. All Councilors present voting aye, the motion carried unanimously.

7.5 Discussion Regarding Consultant to Assist Council at July Retreat.

Coun. Kirkpatrick distributed a recommendation from the Executive Officer concerning the Council Retreat planned for late in July. She said that this was brought to the entire Council with the unanimous support of the Ways and Means Committee. She commented that the retreat is the Council's retreat and that priorities for an agenda will have to be arranged to the Councilor's satisfaction.

Councilors discussed the need for the retreat and their priorities for subjects to be discussed at the retreat.

Chairman Burton asked Coun. Kirkpatrick to put together a program and make decisions on what will be done to get specific input to make this draft program available to the Council. He said that there was a question of use of a consultant in particular.

Coun. Kirkpatrick distributed copies of a report prepared by a consultant who had conducted interviews with members of the CRAG Board. This report outlined his impressions of the CRAG Board and their abilities and needs. Coun. Kirkpatrick said that if the Council was interested in obtaining a consultant, this could be done through the Committee process. Chairman Burton said he would like to see that happen.

After further discussion, Coun. Kirkpatrick asked if it was the general consensus that there was support for use of a consultant. It was agreed that this was Council consensus.

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Coun. Banzer expressed her displeasure at the use of a consultant. She stated that she was not convinced that the retreat was necessary or that it should be held away from Portland.

Other Councilors expressed their support of such a retreat.

Coun. Deines moved, seconded by Coun. Kafoury, that Coun. Kirkpatrick be requested to pursue the matter of securing a consultant, with proposals and possible prices, and to report back to the council at the regular meeting. All Councilors present voted aye, except Coun. Banzer who voted nay. The motion carried.

7.7 Resolution No. 79-53, Evaluating the Severity of Problems on Highway 43 in the Vicinity of the Marylhurst Education Center.

Coun. Kirkpatrick moved, seconded by Coun. Burton, that Resolution No. 79-53 be adopted.

Coun. Kafoury asked what the staff implication would be in terms of time spent on this project if the resolution passed.

Coun. Kirkpatrick said it could be worked into the process the staff was using anyway.

Mr. Ockert agreed with Coun. Kirkpatrick and said this would be no problem. He said a similar proposal had been suggested by ODOT and that staff was planning work on it, but special attention would be given if the Council adopted this resolution.

Coun. Kirkpatrick explained the background for proposing this resolution. She said that there had been a serious accident at this location recently and that, since the project was not committed to be considered until 1983, she had been requested to look into the matter and propose that some action be taken.

Councilors discussed the impact of passage of this resolution. Several Councilors made suggestions regarding projects in their own Districts that posed a problem and suggested that it might be possible that other projects could receive similar treatment.

Coun. Williamson suggested that Councilors propose such requests for traffic improvements to the JPACT Committee.

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Chairman Burton agreed that taking these matters directly to the Committee for referral back to the Council would be the proper procedure. Coun. Williamson pointed out that this was every Councilor's own responsibility.

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

8. ANNOUNCEMENTS

Chairman Burton announced that a program is being designed for a visit to Portland by the Greater Vancouver Regional District (GVRD). This visitation has tentatively been set for June 15 and 16, 1979. Chairman Burton said that Mr. Kent had prepared a schedule for the contingent to arrive in Portland at 12:30 p.m. on Friday, and depart some time Saturday afternoon.

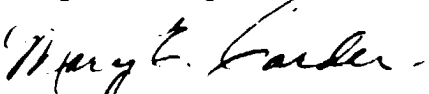
Coun. Banzer objected to having such short notice and said that she would be unable to attend this meeting.

Chairman Burton announced that Council would now retire into Executive Session.

Coun. Banzer moved, seconded by Coun. Schedeen, that through the provisions of ORS 192.660, the Council would adjourn into an Executive Session to be held at 9:40 p.m. The motion carried unanimously.

The regular meeting of the Council adjourned.

Respectfully submitted,



Mary E. Carder  
Clerk of the Council

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