

MINUTES OF AN ADJOURNED MEETING
OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

June 16, 1980

Councilors in Attendance

- Presiding Officer Marge Kafoury
- Coun. Donna Stuhr
- Coun. Charles Williamson
- Coun. Corky Kirkpatrick
- Coun. Jane Rhodes
- Coun. Betty Schedeen
- Coun. Ernie Bonner
- Coun. Cindy Banzer
- Coun. Gene Peterson
- Coun. Mike Burton
- Coun. Jack Deines

In Attendance

Executive Officer Rick Gustafson

A special meeting of the Council of the Metropolitan Service District which was adjourned from the meeting of June 5, 1980, for the purpose of hearing public testimony on Ord. No. 80-91 (establishing a Local Improvement District for the Johnson Creek flood control project), was held at 7:00 p.m. in the auditorium at Marshall High School, 3905 S.E. 91st Avenue, Portland, Oregon.

After declaration of a quorum, the meeting was called to order by Presiding Officer Kafoury at 7:10 p.m.

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ordinance No. 80-91 the first time by title only.

Coun. Rhodes and Executive Officer Gustafson explained the history of the Johnson Creek problem and outlined the process that led to the formation of the L.I.D. Time lines for the project and costs of the various phases were discussed, and remonstrance procedures were explained. Mr. Gustafson presented the staff report.

Ms. Kafoury announced that the second reading and Council action on the ordinance would occur at a meeting to be held at 7:30 p.m. on June 26, 1980, at the Metro offices, 527 S.W. Hall St., Portland. The public hearing was then opened.

**Metro Council
Minutes of June 16, 1980**

Mr. John Lang, 621 S.W. Alder, Portland, spoke on behalf of City Commissioner Mike Lindberg and expressed the City of Portland's support of the Johnson Creek proposal and formation of the L.I.D.

Mr. George Muir, 9635 S.E. Glenwood, Portland, yielded the floor to the next speaker in order to participate in a group presentation by representatives of Oregon Fair Share.

Col. Terence Connel, Corps of Engineers, P.O. Box 2946, Portland, explained the Corps' involvement in the project and discussed its eligibility for federal funding.

Mr. George Muir, speaking for Oregon Fair Share, pointed out that a lot of people were confused by the notice and did not understand the remonstrance procedure.

Ms. Lettie Barrett, 4479 S.E. Logus Rd., Milwaukie, felt that notices should have been mailed out earlier, adding that Fair Share was in favor of the Johnson Creek project but protested the method in which it was being handled.

Laura McMahon, 6131 S.E. 87th, Portland, explained that Fair Share felt that a project such as that proposed for Johnson Creek should accommodate citizen input from the very beginning of the planning stage.

Ms. Sherry Winter, 10146 S.E. Long, Portland, conveyed Fair Share's request that the remonstrance date be delayed and that the entire Council attend a neighborhood-run meeting.

Presiding Officer Kafoury pointed out that the Council would not be making a decision on the formation of the L.I.D. at the public hearing and promised that an extension of the remonstrance deadline would be considered before the end of the meeting.

Mr. Rick Bauman, 5527 S.E. 54th, Portland, supported formation of the L.I.D. because it would represent a savings in the long run. He felt, however, that criticism of the remonstrance procedure was valid.

Ms. Winter again suggested that the meeting be adjourned to a Fair Share hearing on July 23.

A brief recess was called to permit the Council to confer on the suggestion.

Mr. Gustafson acknowledged overcrowding in the room and asked that the aisles be cleared, recommending that Council schedule an additional hearing as soon as possible to continue taking testimony.

Coun. Stuhr moved, seconded by Coun. Banzer, that another public hearing be conducted on June 23. Following discussion, a vote was taken on the motion. All Councilors present voting aye, the motion carried.

Metro Council
Minutes of June 16, 1980

017

In response to a question about the date, Mr. Gustafson explained that the purpose of the motion was to allow an opportunity to find an adequate place to hold the public hearing, and that there was no reason for a further delay. He then announced that the Fire Marshall had ordered that the aisles be cleared if the meeting was to continue. The Fire Marshall repeated the request.

Ms. Kafoury then reminded the participants of the June 23 meeting.

Mr. Donald H. Thom, 2317 S.E. 147th Ave., Portland, expressed his belief that inclusion of his property within the L.I.D. boundary violated ORS 268.310.

Ms. Debra Svatos, 14143 S.E. Steele, Portland, complained that the Council was dictating to citizens rather than involving them.

Mr. Marvin Harper, 17780 S. Anderson Rd., felt that his property was not affected by the flooding and should not be included in the L.I.D.

Mr. Sam Anderson, 1616 Federal Bldg., Portland, Administrative Assistant for Congressman Bob Duncan, reviewed historically the federal involvement in the Johnson Creek project, and warned that delay of the project at this point would mean the loss of federal funding.

Mr. Robert Hughes, 2987 S.E. 184th Pl., Gresham, felt that drainage from his property did not contribute to the problem and expressed dissatisfaction with the remonstrance procedure.

Mr. Henry C. Marty, 6421 S.E. 91st, Portland, felt that the Highway Department had contributed heavily to the problem and should help fund the project.

Ms. Margaret Horning, 13477 S.E. Bush, Portland, expressed strong support for the proposal.

Mr. Harold Westlund, 3252 S.E. 176th Pl., Portland, objected to the remonstrance procedure.

Mr. R. T. Howard, 9999 S.E. Frenchacres Dr., Portland, felt that the proposal should have appeared on the primary ballot and that a service district should have been formed.

Ms. Lillie Moore, 4001 S.E. Johnson Creek Blvd., Portland, felt that Eastmoreland should have been included in the L.I.D.

Mr. Leo Marsh, 2730 S.E. 159th, Portland, wondered about the relationship between the proposed Johnson Creek L.I.D. and the proposal to form a new city in East Multnomah County for the purpose of installing sewers. Presiding Officer Kafoury explained that that was a separate issue.

Mr. Robert F. Shepperd, 12730 N.E. Rose Pkwy., Portland, questioned the legality of assessing property at the higher rate contained in the second notice if that notice had not been received.

**Metro Council
Minutes of June 16, 1980**

Ms. Ruth Matheny, 6305 S.E. Clatsop, Portland, felt that runoff from her property did not go into Johnson Creek.

Mr. Dale Matheny, 6305 S.E. Clatsop, Portland, felt that the cost of the project should be borne by residents on Johnson Creek, and that the L.I.D. procedure was undemocratic.

Mr. Fred J. Hopp, 10355 S.E. Foster Road, Portland, supported the proposal, explaining that flooding of Johnson Creek forced closure of his business when the road was under water.

Mr. Ronald D. Porter, 8643 S.E. Orient Dr., Gresham, remarked that a lot of people wanted something done about Johnson Creek but objected to the L.I.D. procedure.

Ms. Charlotte Sanford, 4407 S.E. Howe St., Milwaukie, testified that they could not afford to pay additional taxes, and that their surface water did not contribute to the flooding.

Ms. Magdalen B. Fisher, 4229 S.E. 103rd, Portland, felt that people who chose to live on Johnson Creek should pay for the project.

Mr. Otto Knapp, 4402 S.E. Howe St., Milwaukie, believed the notification of property owners was inadequate.

Ms. Doris A. Barto, 4207 S.E. Corell, Milwaukie, felt that the issue should be put on the ballot. She suggested that notification be sent directly to property owners rather than mortgageholders, and be put in envelopes.

Mr. Harley J. Phelps, 9394 S.E. 42nd, Milwaukie, objected to the remonstrance process and felt that construction should never have been permitted on the floodplain.

Mr. John Vogl, 16410 S.E. Stephens Ct., Portland, felt the remonstrance procedure was unfair and objected to paying taxes to enhance property owned by someone else.

Mr. Glenn Sjodin, 15042 S.E. Grant, Portland, called for a special election to determine the issue.

Mr. George Kitzmiller, 5010 S.E. 113th, Portland, expressed opposition to Phase III of the proposal and wondered why people were permitted to build in a flood area.

Ms. Catherine Sohm, 7212 S.E. 17th Ave., Portland, spoke as President of the Sellwood/Moreland Improvement League. She suggested that people participate in or form neighborhood associations, remarking that her organization had been in touch with the proposal for over a year. While they took no formal action on the proposal because they were not directly involved, she felt the availability of federal funding for the project should not be overlooked.

Mr. Fred R. Fish, 7415 S.E. 86th Ave., Portland, opposed the project because he felt there was no future in it.

Metro Council
Minutes of June 16, 1980

Ms. Sylvia Zitek, 153 S.E. Roberts, Gresham, did not feel she should be taxed for someone else's benefit.

Ms. Neva Endicott, 10313 S.E. Reedway, Portland, commented that they had no knowledge of the flood area when they bought their property. She felt that people should be willing to give assistance to each other and remarked that it was more expensive to repeatedly clean up after the floods than it would be to fund the L.I.D.

Mr. Joseph J. Hartmann, 6235 S.E. Clatsop, Portland, felt that his drywells prevented his surface water from draining into the creek.

Mr. Jim Worthington, 640 N.E. 87th, Portland, felt that people should have taken advantage of previous opportunities to become involved in the Johnson Creek project, and urged participation in neighborhood associations.

Mr. Frank Fleck, 7507 S.E. 105th, Portland, believed that most of the properties within the L.I.D. boundary were not affected by the creek, and complained that the process was undemocratic.

Mr. Roger Fisher, 2020 S.W. Eastwood, Gresham, thought the project should be paid for by those who benefited from and contributed to the problem, and complained that citizen involvement had been inadequate.

Mr. Jim Heim, 13010 S.E. Salmon St., Portland, stated that the entire project had been bungled and should be put on the ballot.

Mr. Gomes, 9241 S.E. Boise, Portland, suggested that the taxation should be based on the amount of acreage owned rather than the assessed value, and spoke against the proposal.

Mr. John C. Freeman, 15010 S.E. McLoughlin, Milwaukie, read a letter he had delivered to Mr. Gustafson on behalf of the North Clackamas Chamber of Commerce, expressing their opposition to the program.

Mr. Howard Willits, 11848 S.E. Powell, Portland, said that if he was part of the problem he wanted and needed to be a part of the solution.

Mr. Chuck Knutson, 10344 S.E. Yukon, suggested that Council make a motion to hold another public hearing on July 23.

Presiding Officer Kafoury remarked that the meeting had gone past the time for adjournment and noted the necessity that the building be closed. She reminded those present that a motion to continue the meeting to June 23rd had been made and passed.

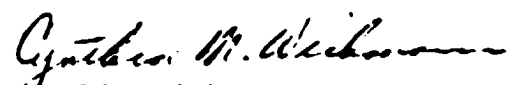
Coun. Banzer moved, seconded by Coun. Kirkpatrick, that the public hearing be continued to Thursday, June 26, at a place where a larger number of people could be accommodated; that the deadline for remonstrances be extended to June 23; and that persons in the district be notified of the time and place of the meeting both personally and through all available media.

230

**Metro Council
Minutes of June 16, 1980**

A vote was taken on the motion. All Councilors present voting aye, the motion carried. The meeting was thereupon adjourned until 7:00 p.m. on Thursday, June 26, 1980, at a place to be announced.

Respectfully submitted,



**Cynthia Wichmann
Clerk of the Council**