

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

June 27, 1980

Councilors Present

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

In Attendance

Executive Officer Rick Gustafson

An adjourned meeting of the Council of the Metropolitan Service District was held on June 27, 1980, in the Council Chamber, 527 S.W. Hall St., Portland, Oregon. After declaration of a quorum, the meeting was called to order at 12:15 p.m. by Presiding Officer Kafoury.

ORDINANCE NO. 80-91, For the Purpose of Establishing the Johnson Creek Basin Flood Control and Pollution Abatement Project Local Improvement District (Second Reading)

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

Coun. Rhodes expressed her belief that Metro was the only body that could solve the long-standing problem of Johnson Creek, adding that a delay at this time would end Metro involvement and thus kill the project, due to a lack of money and leadership. Coun. Rhodes moved, seconded by Coun. Stuhr, that Ord. No. 80-91 be adopted.

Mr. Gustafson presented the staff report and reported on meetings with the North Clackamas Chamber of Commerce and members of Fair Share. He then proposed that the ordinance be amended as follows:

"Section 2.

"The Johnson Creek Basin Flood Control and Pollution Abatement

25(1)
Metro Council
Minutes of June 27, 1980

Project shall be implemented as described in the Preliminary Engineering Report approved by Metropolitan Service District Resolution No. 80-149, except that

- "a. Prior to the commencement of Phase II, the Council shall by ordinance adopt the drainage management plan.
- "b. Prior to the commencement of any capital improvements in Phase II, such capital improvements shall meet the standard federal cost-benefit test as applied by the Corps of Engineers.
- "c. The apportionment formula for the allocation of Phase I costs shall employ a differential which reflects any additional benefits accruing to floodplain properties identified by the drainage management plan.
- "d. In the event the costs for Phase II of the project exceed the estimated costs contained in the Preliminary Engineering Report approved by Metropolitan Service District Resolution No. 80-149 be ten percent (10%) or more, the Council shall terminate the Local Improvement District and shall promptly propose a new Local Improvement District based on the new estimated costs and activities."

Following completion of the staff report, Coun. Williamson moved, seconded by Coun. Kirkpatrick, that the amendments proposed by the Executive Officer be adopted.

Coun. Burton wanted assurance that those persons being assessed were actually within the drainage district and asked about the appeals process. It was explained that there was a 90-day appeals period, and that decisions on appeals could be contested in court. Procedures for handling appeals were outlined.

Coun. Kirkpatrick asked whether the Services Committee had discussed the possibility of reverting the creek to its natural status and turning it into a park. Coun. Rhodes responded that it had been considered for certain areas but not for the whole creek, pointing out that there are existing parks along the creek.

Coun. Peterson announced that he intended, later in the meeting, to introduce a resolution that would replace the L.I.D. with a service district subject to a vote of the people. He then moved, seconded by Coun. Banzer, to amend Coun. Williamson's motion to add the requirement that during Phase I studies Metro would determine which properties contributed to the problem and/or would benefit from the project, and that all other properties would be excluded from the Phase II assessment.

Coun. Kafoury suggested that Coun. Peterson's motion be considered separately. Coun. Peterson concurred.

Metro Council
Minutes of June 27, 1980

There was a discussion of whether Coun. Peterson's motion covered a point which was already provided for in the amendments moved by Coun. Williamson. There was also some discussion as to just how "benefit" would be defined. Coun. Williamson explained that it was his intent that if the property were benefited as defined in court cases, it could be assessed to the extent it benefited, according to the formula.

Mr. Kent commented that it appeared Coun. Peterson's amendment would require that Metro deal individually with each of the 35,000+ parcels included within the district.

Coun. Williamson questioned the wisdom of making major changes in language which had been carefully prepared by legal counsel.

Coun. Williamson moved, seconded by Coun. Burton, that the first sentence of Item c of the proposed amendments be modified to read "The apportionment formula for the allocation of Phases II and III costs...", and that a sentence be added to state: "Property not receiving any benefit shall not be assessed."

Following discussion, a vote was taken on the motion. All Councilors present voting aye, the motion carried.

Coun. Bonner moved, seconded by Coun. Banzer, that Item d be amended by removing the words "by ten percent (10%) or more" from the first sentence, citing his concern that Metro should make a firm commitment to taxpayers not to exceed projected costs.

Couns. Williamson and Burton expressed opposition to the motion, feeling that there should be some safeguards to accommodate inflation and cost overruns.

Following discussion, a vote was taken on the motion. Voting aye were Couns. Burton, Schedeen, Bonner, Banzer, and Peterson. Voting no were Couns. Stuhr, Williamson, Kirkpatrick, Deines, Rhodes, and Kafoury. The motion failed.

Coun. Peterson withdrew his motion, feeling that his concerns had been addressed satisfactorily.

A vote was taken on Coun. Williamson's motion to amend the ordinance as proposed by the Executive Officer. All Councilors present voting aye, the motion carried.

Discussion commenced on the ordinance as amended.

Coun. Schedeen expressed disappointment that the Johnson Creek project had not been better received by the residents of the area, but felt that the process had been unsatisfactory and the citizens not adequately informed. She felt that Metro had fulfilled their commitment to the people, and announced her intention to vote against the motion.

Metro Council
Minutes of June 27, 1980

Coun. Peterson read a statement explaining his opposition to the ordinance, stating that he had favored a popular vote of the people from the beginning. He then introduced a resolution calling for replacement of the L.I.D. with a service district, subject to popular vote.

Coun. Banzer asked whether Coun. Peterson's resolution could be moved as a substitute for the ordinance under consideration, and mentioned that she would like to present a resolution proposed by Mr. Tom Dennehy.

There was a brief recess to determine whether Coun. Banzer's suggestion was permissible.

The meeting was called back to order. Presiding Officer Kafoury reported that a resolution would not take precedence over an ordinance and called for further discussion of the ordinance as amended.

There was discussion of details of Phase I and citizen involvement in the planning process for Phase II.

Coun. Burton expressed concern about the L.I.D. process but felt that possible insufficiencies in the process did not warrant defeat of the project. He supported passage of the ordinance, feeling that it was time to solve the regional problem posed by Johnson Creek.

Coun. Bonner announced his support of the ordinance, since the process could be stopped at any time and the amendments had gone a long way toward answering his concerns. He pointed out that there would be ample opportunity for further citizen involvement.

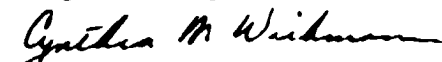
Coun. Banzer felt that the errors in the process warranted delay of the issue and referral to the voters in November, and was disappointed that there had been no opportunity to discuss the alternatives proposed by Coun. Peterson and Mr. Dennehy.

Coun. Kafoury felt that complaints about the process were moving, but pointed out that the process had not been invented by Metro. She was convinced that many of the people opposing the project because of the L.I.D. process would not have supported the project had another process been used. She supported the ordinance.

A vote was taken on the motion. Voting aye were Couns. Bonner, Rhodes, Burton, Stuhr, Williamson, Kirkpatrick, and Kafoury. Voting no were Couns. Schedeen, Banzer, Peterson, and Deines. The motion carried.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Cynthia Wichmann
Clerk of the Council