

MINUTES OF THE COUNCIL
OF THE METROPOLITAN SERVICE DISTRICT

December 18, 1980

Councilors in Attendance

Presiding Officer Marge Kafoury
Vice Presiding Officer Jack Deines
Coun. Craig Berkman
Coun. Jane Rhodes
Coun. Betty Schedeem
Coun. Ernie Bonner
Coun. Cindy Banzer
Coun. Gene Peterson
Coun. Mike Burton
Coun. Bob Oleson
Coun. Charlie Williamson

In Attendance

Executive Officer Rick Gustafson

Staff in Attendance

Denton Kent
Andy Jordan
Walter Monasch
Tim Cauller
Jim Sitzman
Berta Delman
Leigh Zimmermann
John LaRiviere
Joe Cortright
Caryl Waters
Keith Lawton
Charlie Shell
Tom O'Connor
Mike Butts
Andy Cotugno
Cynthia Wichmann

Others in Attendance

Ben Benson
Chris Raber
Viola Konetsky
Connie Francisco
Neva Endicott
Dave Francisco
Floyd M. Hartwell
Tom Barnes
Roby Robillard
Frances Hall
Beth Blunt
Bob Blunt
Tom Dennehy
Lynne Johnson
Dennis Brown
Martha Boettcher
Fred Hill
Oliver J. Domreis
Bill Bradford
Willis Witter
Arlene Hill
Edward Dahl
W. J. Sander
Jeff Anderson
Ken Bunker
Ethan Seltzer
Barry Miller
Richard Shaffer
Rodney & Deborah Hale
K. E. Johnson
Mr. & Mrs. Bob Jackson
Emily F. Hamilton
Bob Weil
Don McIntire
Jeff Kilmer
Kevin Hanway
Kathy West
James H. Riopelle
Stephen Kafoury

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CALL TO ORDER

After declaration of a quorum, the meeting was called to order by Presiding Officer Kafoury at 7:50 p.m. in the Council Chamber, 527 S.W. Hall St., Portland, Oregon 97201.

1. INTRODUCTIONS

There were no introductions at this meeting.

2. WRITTEN COMMUNICATIONS TO COUNCIL

It was announced that the Regional Services Committee had received over 100 letters in support of recycling efforts.

3. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

There were no citizen communications to Council on non-agenda items at this meeting.

4. CONSENT AGENDA

Coun. Burton moved, seconded by Coun. Peterson, that the Consent Agenda be approved with the exception of the A-95 Review, which would be considered separately. A vote was taken on the motion. All Councilors present voting aye, the motion carried.

5. ORDINANCES

- 5.1 PUBLIC HEARING on Ordinance No. _____, An Ordinance Rescinding the Johnson Creek Basin Local Improvement District and Repealing Ordinance No. 80-91 (First Reading)

There being no motion to introduce this Ordinance, the Ordinance died.

6. RESOLUTIONS

- 6.1 Resolution No. 80-204, For the Purpose of Acknowledging the East Multnomah County Sewer Consortium Study as Complying with the Regional Waste Treatment Management Plan

Coun. Williamson moved, seconded by Coun. Peterson, that Res. No. 80-204 be adopted.

Coun. Kafoury explained that this Resolution should be adopted prior to approving the A-95 Review, as funding of the plan was included in the A-95 Review.

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

A-95 Review

Coun. Williamson moved, seconded by Coun. Peterson, that the A-95

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Review be approved. A vote was taken on the motion. All Councilors present voting aye, the motion carried.

- 6.2 Resolution No. 80-205, Authorizing Interstate Transfer Funds for the 82nd Avenue Improvement Project
- 6.3 Resolution No. 80-206, Authorizing Federal Aid Primary Funds for a Signal at Mt. Hood Highway and Birdsedale Avenue
- 6.4 Resolution No. 80-207, Amending the FY 1981 Transportation Improvement Program (TIP) to Include Tri-Met's Special Efforts Program for the Handicapped
- 6.5 Resolution No. 80-208, For the Purpose of Concurring in the Designation of the Clark County Public Transportation Benefit Area as the Section 5 Recipient
- 6.6 Resolution No. 80-209, For the Purpose of Amending the FY79 and FY80 Unified Work Program

Coun. Bonner reported that the above Resolutions had been recommended by JPACT and moved, seconded by Coun. Schedeen, that Res. Nos. 80-205, 80-206, 80-207, 80-208, and 80-209 be adopted. A vote was taken on the motion. All Councilors present voting aye, the motion carried.

- 6.7 Resolution No. 80-210, For the Purpose of Recommending a Continuance of the City of Happy Valley's Request for Acknowledgment of Compliance with LCDC Goals

Coun. Williamson moved, seconded by Coun. Burton, that Res. No. 80-210 be adopted.

Mr. Richard Shaffer, city councilman for the City of Happy Valley, summarized the City's position as having complied with density standards to the maximum extent possible, and asked that the Council acknowledge compliance with LCDC goals with the exception of minor changes with regard to goals 5, 7, and 9.

Coun. Deines pointed out that the standards against which comprehensive plans were measured were established by LCDC, and that Metro's role was simply to ensure that LCDC goals were met. He felt that LCDC's rigid application of those goals would nullify any attempts at flexibility by the Metro Council.

Coun. Peterson expressed sympathy with the desires of Happy Valley, stating that there should be room for diversity within the goals.

Following discussion, a vote was taken on the motion. Coun. Peterson voted no; all other Councilors present voting aye, the motion carried.

There was a brief recess.

- 6.8 Resolution No. 80-211, For the Purpose of Responding to Comments Made in the FY 1980 Audit Report

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Coun. Deines reported that the Coordinating Committee had reviewed the FY 81 audit report with representatives of Coopers & Lybrand and recommended adoption of this resolution. He then moved, seconded by Coun. Rhodes, that Res. No. 80-211 be adopted. A vote was taken on the motion. All Councilors present voting aye, the motion carried.

7. MOTIONS

7.1 Appointments to the Water Resource Policy Alternatives Committee (WRPAC)

Coun. Williamson moved, seconded by Coun. Peterson, that Messrs. Jim Elting and Don Church be appointed to the Water Resource Policy Alternatives Committee. A vote was taken on the motion. All Councilors present voting aye, the motion carried.

8. REPORTS

8.1 Presentation by Coun. Peterson

Coun. Peterson's presentation to the Council focused on the importance of establishing regionwide goals and objectives, and the appropriate role for Metro, as a regional government, in the future development of the Portland metropolitan area.

On behalf of the Council, Presiding Officer Kafoury presented Coun. Peterson with a certificate of appreciation, calling attention to the contributions he had made in his service as Councilor.

8.2 Report on Waste Reduction Plan and Portland Recycling Team

Mr. Kent reported that at their last meeting the Regional Services Committee had looked at a combination of the Waste Reduction Plan and proposed assistance to the Portland Recycling Team (PRT). Their report and recommended action on implementation of the Plan and assistance to PRT would come before the Council at their meeting on January 8.

8.3 Executive Officer's Report

Resource Recovery Facility - Mr. Gustafson reported that the project was being reviewed by the Oregon City Planning Commission, and that an independent engineering study is being done. Discussions have commenced with DEQ on the air quality permit and eligibility for pollution control tax credit. The project appears to be on schedule.

Wildwood Landfill Site - A formal hearing was held to receive testimony on the draft feasibility study on Dec. 11. As a result of questions raised, Mr. Gustafson will be recommending to the Regional Services Committee in January that the period for public comment be extended.

Backyard Burning Ban - Mr. Gustafson announced that he had been asked

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to testify on this issue before the Environmental Quality Commission the following day and outlined the testimony that would be presented.

A number of Councilors expressed concern that Metro had not yet taken a position on this issue, which had been discussed in the Regional Services Committee.

Coun. Bonner moved, seconded by Coun. Schedeen, that the matter be re-referred to the Regional Services Committee for discussion and recommendation to the full Council of a position on the backyard burning ban issue. Following discussion, a vote was taken on the motion. Coun. Deines voted no; all other Councilors present voting aye, the motion carried.

8.4 Committee Reports

Regional Planning Committee - Coun. Williamson reported that all items from the Committee agenda had come before the Council, and announced that a special meeting of the Committee would be held at noon on Dec. 23rd to consider preliminary budget materials.

Regional Services Committee - Coun. Rhodes reported that the Committee had held a public hearing on transfer stations and postponed making a recommendation until January. The Committee had approved the Waste Reduction Plan, including a recommendation to support recycling plus funding for PRT.

Bi-State Task Force - Coun. Burton reported that the task force had received a report on past studies of the I-5 corridor area, and that the task force's position on the Washington DOT study was before the Washington legislature. He discussed the status of funding for the project.

9. GENERAL DISCUSSION

Johnson Creek

Coun. Berkman expressed dissatisfaction with the way the Johnson Creek issue was being handled, citing the necessity of keeping commitments to the public. He moved, seconded by Coun. Schedeen, that the Regional Services Committee be directed, at their next meeting, to address all issues of concern to citizen or interest groups regarding Johnson Creek; that the Committee bring specific recommendations on those issues before the Council at the next subsequent Council meeting; and that at that meeting the Council vote, by roll call, on all such recommendations.

Coun. Banzer suggested that the Committee also look at alternatives other than the LID to address the Johnson Creek problem.

Mr. Kent reviewed the provisions of the resolution which had been considered at the previous meeting of the Regional Services Committee.

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Discussion addressed the questions of how much staff time and resources could be devoted to investigating alternative solutions to Johnson Creek, and how Corps of Engineers' continued involvement could be ensured.

Following discussion, a vote was taken on the motion. Coun. Rhodes voted no; all other Councilors present voting aye, the motion carried.

LID Referral

Mr. Gustafson asked the Council to concur in writing to Multnomah County asking for confirmation by letter that an election on the LID would not be legal, and that it would therefore be illegal for Metro to call such an election in February. He explained that the purpose of such a letter would be to provide a basis for litigation, thus allowing opponents to contest the letter and obtain a court judgment on the issue.

Coun. Williamson moved, seconded by Coun. Rhodes, that Council instruct the Executive Officer to write to Multnomah County as outlined above. A vote was taken on the motion. Couns. Bonner and Peterson voted no; all other Councilors present voting aye, the motion carried.

Swearing-in and Election of Council Officers


In order to ensure compliance with ORS 268.150 and 268.160, Coun. Banzer moved, seconded by Coun. Burton, that:

- 1) Staff is requested to make preparation for a swearing-in ceremony to be held at noon on Monday, January 5, 1981 in the Metro Council Chambers;
- 2) Hold-over Councilors and newly elected Councilors shall meet during the week of December 29-January 2 for the purpose of caucusing on the issue of a new Presiding Officer and Vice Presiding Officer; and
- 3) The new Presiding Officer and Vice Presiding Officer shall be elected and sworn in at the Council's meeting on Thursday, January 8, 1981.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,


Cynthia M. Wichmann
Clark of the Council