

**MINUTES OF THE COUNCIL
OF THE METROPOLITAN SERVICE DISTRICT**

June 25, 1981

Councilors in Attendance

Presiding Officer Jack Deines
Vice Presiding Officer Betty Schedeen
Coun. Bob Oleson
Coun. Charles Williamson
Coun. Craig Berkman
Coun. Corky Kirkpatrick
Coun. Jane Rhodes
Coun. Ernie Bonner
Coun. Cindy Banzer
Coun. Bruce Etlinger
Coun. Marge Kafoury
Coun. Mike Burton

Others in Attendance

Beth Blunt
Bob Blunt
Mike Kennedy
Larry Roth
Allen Meyer
Commissioner Hayes
Commissioner Gardener
Bob O'Brien

In Attendance

Executive Officer Rick Gustafson

Staff in Attendance

Denton Kent
Andrew Jordan
Mike Holstun
Charles Shell
Leigh Zimmerman
Caryl Waters
Jennifer Sims
Andy Cotugno
Judy Roumpf
Merle Irvine
Cary Jackson
Steve Siegel
Doug Drennen
Nancy Carter
Marie Nelson

CALL TO ORDER

After declaration of a quorum, Presiding Officer Deines called the meeting to order at 7:35 p.m. in the Council Chamber, 527 S.W. Hall Street, Portland, Oregon.

1. INTRODUCTIONS

Coun. Schedeen introduced the new chairman of the National Association of Regional Councils (NARC), Coun. Corky Kirkpatrick. She and other Councilors congratulated Coun. Kirkpatrick on receiving this honor.

2. WRITTEN COMMUNICATIONS TO COUNCIL

There were no written communications to Council at this meeting.

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 (Items 4.1 through 4.5)

Coun. Kirkpatrick moved, seconded by Coun. Schedeen, to approve the Consent Agenda. A vote was taken on the motion and it passed unanimously.

4.4 Resolution No. 81-250, For the Purpose of Endorsing Project Priorities Using Supplementary Interstate Transfer Funds Expected for FY 1981

Coun. Schedeen said the approval of this resolution was of much importance to the Gresham area. She then introduced Mayor Allen Meyer and Mr. Rick Walker, Planning Director, both of the City of Gresham. Coun. Schedeen, Mayor Meyer and Mr. Walker thanked the Council for their support in this matter.

5. ORDINANCES

5.1 Ordinance No. 81-109, For the Purpose of Adopting the Annual Budget of the Metropolitan Service District for Fiscal Year 1981, Making Appropriations from Funds of the District in Accordance with Said Annual Budget and Levying Ad Valorem Taxes (Second Reading)

Presiding Officer Deines referred the Council to a letter from the Tax Supervising Conservation Commission which approved Metro's proposed FY 82 budget. The Clerk read the ordinance by title only.

Coun. Williamson said that since no public comment had been given at the public hearing on this ordinance, a subject of a newspaper editorial, perhaps any members of the public wishing to comment at this meeting should be given the opportunity to do so. The Presiding Officer asked if any citizens wished to give testimony. There was no public comment. The Presiding Officer and other Councilors said they had not received any written or verbal communications on the ordinance.

Presiding Officer Deines explained a motion to adopt Ordinance No. 81-109 was received at the last meeting of the Council. A vote was then taken on the motion and it passed unanimously.

5.2 Ordinance No. 81-110, For the Purpose of Amending Ordinance No. 80-97, Adding Supplemental Appropriations to FY 1981 Budget (Second Reading)

The Clerk read the ordinance by title only. Presiding Officer Deines said this item was moved for adoption at the previous Council meeting. A vote was taken on the motion and it passed unanimously.

Presiding Officer Deines left the meeting chamber.

6. RESOLUTIONS

Joint Resolution No. _____, In the Matter of Setting Forth an Understanding of Agreement Between the Washington County Board of Commissioners and the Council of the Metropolitan Service District

Coun. Oleson introduced a resolution not on the regular meeting agenda. He explained he had been working with the Washington County Board of Commissioners to gain more cooperation in regional planning efforts. This resolution, he said, was the product of the positive working relationship achieved between Metro and Washington County. He was pleased to announce that four of the five Washington County Commissioners had endorsed the resolution. He then introduced Commissioners Hays and Gardener of Washington County and thanked them for their efforts.

Coun. Burton, Etlinger and Bonner saw the resolution as a major step for both Metro and Washington County and thanked the Commissioners for their support.

Coun. Banzer said she would support the resolution because of the assistance Metro had received from the Washington County Legislative Delegation. She expressed her hope that future relations with Washington County would be positive.

Coun. Oleson moved for adoption of the resolution. Coun. Kirkpatrick seconded the motion. All those present voted aye. When Presiding Officer Deines entered the room, he cast an approving vote making the passage of the resolution unanimous.

Commissioner Gardener thanked Metro for their support and said he hoped the resolution would provide the fourth leg to what once could be called a three-legged stool.

6.1 Resolution No. 81-252, For the Purpose of Submitting an Application to Multnomah County for Authorization to Construct and Operate a General Purpose Sanitary Landfill at the Wildwood Site

Coun. Banzer reviewed the history of how the Wildwood site came to be recommended for Metro's next landfill. She said that during one of several opportunities for public comment on the resolution, presentations were received from the West Hills and Island Neighborhood Group (WHI) and other citizens. The public had mainly expressed concerns about the site's slope stability. She said the Regional Services Committee had deliberated these issues and had recommended, on a four to one vote, the Council adopt the resolution. Coun. Banzer then moved, seconded by Coun. Kafoury, to adopt Resolution No. 81-252.

Coun. Burton said he had, at the Committee level, recommended the resolution be adopted with the understanding that Metro's technical advisors would provide more information about slope stability of the proposed Wildwood site. He said it was also the Committee's understanding that concerns of other Councilors could be addressed at this meeting.

Mr. Merle Irvine said that technical advisors from the engineering firm of CH2M Hill were present to answer questions of the Council. He then explained the extensive and objective process for siting a new landfill and said staff and technical consultants were confident Wildwood was the best possible site based on land use, operational and environmental criteria. He invited Mr. Mike Kennedy and Mr. Larry Roth of CH2M Hill to address the Council's concerns.

Mr. Kennedy said the feasibility study prepared by CH2M Hill had thoroughly addressed the issue of slope stability of the Wildwood site. However, in response to the questions raised by WHI and other citizens, his firm had distributed a letter to Councilors which responded to questions in more detail. In addition, Mr. Larry Roth, CH2M Hill Department Manager of Geotechnology, was present to answer questions of the Council. Mr. Kennedy said Mr. Roth had been extensively involved with the Wildwood project from its onset, first with assisting in developing the scope of work and then in directing and reviewing the work of geologists.

Mr. Roth proceeded to explain the issue of slope stability at the Wildwood site. In describing the process for determining the site's geological stability, he said consultants had reviewed the reports of other geological experts and had also conducted independent tests. He said extensive geotechnical evaluations had been performed including borings and laboratory tests.

Mr. Roth reported the typical geological conditions in the Northwest, as represented by the West Hills and the Cascade and Coast mountain ranges, were primarily rock formations. As continued weather caused erosion, soil layers developed above the rock. This type of terrain becomes stronger with depth, he said. Weather conditions have also caused the initial soil layers to become rather impervious to moisture, he explained, because as moisture seeps down through cracks in the rock, clay formations develop to close up these cracks. Therefore, water movement is restricted. Mr. Roth said this type of situation can cause instability when the combination of rock erosion and low permeability causes geological stress. Since the moisture trapped in deeper layers of the soil

must eventually be released, landslides occur. He said this situation is aggravated further when engineering improvements or construction projects interfere with the natural substrata.

Mr. Roth explained that some geological references consulted by his firm assumed the geological makeup of the Wildwood site was the same as described above. However, after careful analysis, his geologists learned another type of condition existed. He described the unique conditions resulted from the combination of two geological events: the old Scappoose formation, formerly a marine mass supported by sandstone and silt; and the Columbia Basalt formation. Mr. Roth said that in other areas outside the Scappoose formation, as the Columbia Basalt cooled, vertical columns of stone formations resulted when streams of liquid seeped to lower layers of the basalt. These types of formations can be seen along the Columbia Gorge. However, in the Scappoose area, the typical vertical basalt patterns did not form because of the softer under-layer of sandstone and silt. Instead, the basalt patterns rotated creating even more erosion of surface layers and new drainage patterns were established. These conditions, he said, were ideal for landfill drainage. Moisture can easily filter down through the many cracks in the surface layer soil and rock. It is then trapped in the underlying layers and sandstone and silt. Landslides due to low permeability and pressure would not occur as they would in other areas, he said. In summary, Mr. Roth said he was confident in his findings and thought the Wildwood site ideal for landfill use.

Coun. Burton stated that CH2M Hill would not know the exact geological nature of the site until more thorough tests were conducted after a land use permit was granted. He asked Mr. Roth if the consultants were confident no problems would occur based on the information compiled to date.

Mr. Roth replied he had no reason to expect the conclusions about the overall feasibility of the site would change. More subsurface information would be needed, however, to resolve other questions besides slope stability. For example, he said, the information could be used to design structures on the site's surface.

Coun. Berkman asked if concerns about contamination of groundwater by the landfill were legitimate and if special construction techniques would be recommended to minimize this threat if it existed. Mr. Roth said that any time a landfill is sited potential for groundwater pollution exists. Because he considers the region's groundwater a valuable resource, he said every effort would be made to eliminate any possibility of pollution. He further stated the Wildwood site had been recommended because of all the sites considered, it had the lowest potential for such problems. He also said he had been involved in siting other landfills around the nation and this site was the most suitable he had encountered.

Coun. Etlinger said he had received a letter from Robert Flanagan, Chief Engineer of the Army Corps of Engineers. Mr. Flanagan was concerned about the potential for seismic risk in the Wildwood area and did not think CH2M Hill had adequately addressed this risk potential in their feasibility report. Coun. Etlinger asked Mr. Roth to comment on this matter.

Mr. Roth replied his firm had carefully examined the potential for seismic problems along with the issue of slope stability. He said geologists had studied the Portland Hills Fault to see if it extended into the Wildwood area and geologists had determined it did not. He further explained the existence of this fault is enigmatic. Some experts do not think it exists. The potential for liquefaction occurring as a result of strong ground motions had also been examined, he said. Finding showed the strength of rock and soil material in the area would preclude this possibility.

Coun. Oleson asked if pollution of the Willamette watershed might result if the landfill were sited at Wildwood. Mr. Kennedy replied that water protection was a major concern of the consultants because protection of that resource was mandated by state and federal law. He was confident the geological makeup of the site would result in ideal drainage conditions and water pollution would not be a problem.

Coun. Oleson also asked if groundwater contamination was a problem with other landfills in the United States. Mr. Kennedy answered that landfills have only recently been subject to regulatory and technical attention. Therefore, many sites had been improperly sited and engineered. He explained the history of landfills was not encouraging but perhaps because of those problems, engineers have learned how to build safe landfills.

Coun. Banzer said a resident of the Wildwood area was concerned about the potential toxicity of ash coming from the resource recovery facility to the landfill. She asked if ash would be considered hazardous material. Executive Officer Gustafson replied the Environmental Protection Agency (EPA) had thoroughly investigated fly ash from resource recovery facilities and their tests confirmed ash is less hazardous in landfills than is putrescible waste.

Coun. Banzer asked if the leachate collection pattern discussed in CH2M Hill's study would be in proximity to any domestic wells in the Wildwood area. Mr. Kennedy said the patterns discussed in the study were the hypothetical worst possible conditions. If those conditions were to occur, one domestic well in the immediate area would potentially be affected, he said. He also said finding showed that if a strong earthquake were to occur, however unlikely, the leachate collection pattern would not be altered.

Coun. Williamson said he and his neighbors were concerned about the number of collection vehicles traveling to the site and asked if it would be necessary to complete the Yeon Avenue Highway Project in order to accommodate the anticipated vehicle traffic. Mr. Irvine said the consultants had estimated about 476 round trips per day would be made to the site assuming no resource recovery facility were built. Trucks would be traveling along U.S. Highway 30, a four lane highway, and through the Northwest Industrial truck route. He said the completion of the Yeon project would not be mandatory to accommodate anticipated traffic. Mr. Kennedy said his studies indicated existing roads would be more than adequate to handle traffic flow to the site.

Coun. Williamson said he would not vote against the resolution, but thought traffic flow through the Northwest Portland neighborhood was a potential problem. He said he would be working to resolve those problems. Coun. Banzer reminded Coun. Williamson the Council had previously discussed whether Interstate Highway Transfer Funds should be used to improve the Yeon Corridor and that some efforts had already been undertaken to improve road conditions to the site.

Coun. Etlinger said he had received communications from constituents asking if the EPA might extend the St. Johns Landfill closure date, thus making the immediate siting of another landfill unnecessary. Executive Officer Gustafson responded that the St. Johns Landfill was the only landfill in the nation permitted to be sited in a wetland area. The EPA granted that permit with the understanding the region would site a more suitable landfill as soon as possible. He said the St. Johns permit expires in 1985 and the EPA will not extend the permit for obvious environmental reasons. Furthermore, he said, the Rossman's Landfill will be closed by June, 1982, making an additional landfill even more necessary.

Coun. Oleson asked for assurance from the Executive Officer that substantial, further technical analysis would be performed by Multnomah County before the decision to grant a landfill permit was made. Executive Officer Gustafson replied that if Resolution No. 81-252 were approved, Metro would seek a land use permit. Extensive development, engineering and site plans would be required by the County and other agencies to seek additional permits, he said. He assured the Council they would be consulted prior to commencing this process.

Coun. Berkman said he hoped the Council would formally request the DEQ and Multnomah County to notify the Council if technical information should come to their attention that might require further action.

Executive Officer Gustafson said Bob Baldwin of Multnomah County also wanted to clarify the Council's action approving the application for a land use permit did not necessarily mean the County could refer any problems or decisions back to Metro. County regulations require the property owner, Publisher's Paper Company, to apply for the permit. The Executive Officer did say, however, an agreement would be made with Publisher's in order to proceed with the permit process. He said negotiations for this agreement were now being pursued on behalf of the Council.

There being no further discussion a vote was taken on the motion to adopt Resolution No. 81-252. Voting aye were Couns. Rhodes, Schedeen, Bonner, Banzer, Etlinger, Kafoury, Burton, Oleson, Williamson, Berkman and Kirkpatrick. Voting no was Presiding Officer Deines. The Presiding Officer declared the resolution adopted.

During the voting process, Coun. Burton explained he did not support the fact that the next regional landfill was being sited outside Metro's boundaries. He said he would prefer that landfills not be a solution to the solid waste problem and that the sites he would have preferred were not legally acceptable. However, he explained he was casting a supporting vote because another landfill was needed and of all the sites considered, the Wildwood site was the most acceptable from an environmental and technical standpoint.

After the voting process, Coun. Oleson said he wanted his vote recorded as "aye" with the understanding there would be another checkpoint in the siting process. The Presiding Officer said the Council would be given ample opportunity to review and approve other steps in the siting process.

The Presiding Officer called a five-minute recess. Couns. Berkman, Oleson and Kafoury did not return after the Council reconvened.

6.2 Resolution No. 81-253, A Resolution for the Purpose of Approving Additions and Changes to the Metro Classification Plan and Pay Plan and Authorizing New Positions and Funding in the FY 82 Budget

The Executive Officer explained the proposed changes to the Metro Classification and Pay Plans were consistent with the FY 82 budget and had been approved for adoption by the Council Coordinating Committee. He said many of the positions were created as a result of recent staff reorganization.

The Clerk read the resolution by title only. Coun. Burton then moved, seconded by Coun. Kirkpatrick, to adopt Resolution No. 81-253.

Presiding Officer Deines asked staff to explain the position of Technical Manager. Ms. Jennifer Sims said the position was created as a result of the Transportation Department reorganization. This position would take lead responsibilities for managing the technical aspects of transportation work such as computer information systems, she said. She further explained the position would be directly supervised by the Director of Transportation, was a reclassification of a Principal Planner position and that the position description had been drafted in generic terms so it could apply to other departments.

Coun. Banzer asked how the position of Deputy Executive Officer differed from that of Chief Administrative Officer. Coun. Burton replied that the role of the Chief Administrative Officer was one of direct line authority. Also, that position supervised the activities of department directors. He said the responsibilities of the Deputy Executive Officer would be considerably less than the Chief Administrative Officer and that major duties would involve assuming administrative responsibilities delegated by the Executive Officer. The Deputy Executive Officer would not supervise the activities of other department managers and would have no line authority, he said.

Coun. Banzer said she was concerned that many of the positions eliminated in recent staff cutbacks were actually being replaced by this resolution and that additional support services positions would be created at the expense of direct services. Coun. Burton explained this was not the case. He said the majority of the positions addressed in the resolution were reclassifications of existing positions. The net cutback in positions from the previous fiscal year was 19, he said. Coun. Burton further explained that he considered accounting positions a direct public service since the public expected good accounting of its tax dollars.

Executive Officer Gustafson said the support services and public affairs units had actually taken more staff cuts than other areas in order to preserve direct services. For example, he said, last year the Local Government Department was staffed by five people and this year it would be staffed by three people. He hoped that by more effective management and greater involvement of other departments, these needs could be met during fiscal year 1982.

A vote was taken on the motion to adopt Resolution No. 81-253. Voting aye were Couns. Schedeen, Bonner, Etlinger, Burton, Williamson, Kirkpatrick, Rhodes and Presiding Officer Deines. Voting no was Coun. Banzer. The Presiding Officer declared the resolution adopted.

6.3 Resolution No. 81-254, A Resolution for the Purpose of Transferring Appropriations Within Funds for the Fiscal Year 1981 Metropolitan Service District Budget

The Clerk read the resolution by title only. Coun. Rhodes moved, seconded by Coun. Bonner, to adopt the resolution. A vote was taken on the motion and it passed unanimously.

6.4 Resolution No. 81-255, A Resolution for the Purpose of Adding Grant Appropriations to the FY 81 Budget

The Clerk read the resolution by title only. Coun. Burton moved to adopt the resolution. Coun. Kirkpatrick seconded the motion. A vote was taken on the motion and it passed unanimously.

Couns. Williamson and Schedeen left the Council Chamber.

7. REPORTS

7.1 Air Quality Advisory Committee Report and Recommendation

Mr. Andy Cotugno explained that since last September's report to the Council on the status of Portland's ozone problem and potential control measures, several changes had occurred. Previously, Metro and Department of Environmental Quality staff had assumed the region would not be in attainment of the Federal Ozone Standard by 1987. However, because the Environmental Protection Agency changed the method used to measure ambient air quality, the DEQ now projects the region will be in attainment with the Federal Ozone Standard by the end of this summer.

Mr. Cotugno said the standard will most likely be attained because the new EPA standards for permissible ozone content are about 50 percent lower than the previous standard. If, after measuring ambient air quality levels for three consecutive years, the EPA determines their standards are met, attainment is automatically achieved. He said levels have been well within the standard for the past two years and DEQ expects levels to be within the standard this year. If attainment is achieved, no additional controls would be required by the EPA. Mr. Cotugno explained, however, the DEQ is challenging the new EPA Federal Ozone Standard and if the courts determine a stricter standard must apply, additional control measures may be in order. He said this court action could be settled as early as this summer or as late as this winter.

Mr. Cotugno said the Air Quality Advisory Committee, comprised of representatives from local government, private industry and the public, have recommended some controls be implemented even if the region is declared in attainment with ozone standards. These measures would have benefits for the environment, transportation and energy savings, he said. He then introduced Dr. Bob O'Brien, a member of the Air Quality Advisory Committee, who would elaborate on the control measures recommended by the Committee.

Coun. Banzer left the meeting room.

Dr. O'Brien reported the Committee had been meeting for over two years to advise the DEQ and Metro about air quality standards. He said the Committee wanted to see the air quality of Portland improve regardless of whether state or federal mandates were met. In short, he said, the air quality does not improve when standards for measuring air quality are lowered.

Dr. O'Brien reviewed the Committee's recommendations as summarized in the agenda information. He said these additional controls recommended were ranked by priority. Control measures ranking highest were implementing the Transit Development Plan, ramp metering, transit fare incentives, vanpool and carpool incentives, parking management, bicycling, paper coating, architectural coating and dry cleaning controls.

Coun. Burton pointed out that Clark County, encompassed in the regional plan, could also be in attainment with the Federal Ozone Standard by the end of this summer. Since the State of Washington's standards were lower than Oregon's, he asked how the Committee and Metro staff were working with Clark County to encourage higher air quality standards and controls.

Mr. Cotugno said efforts were being made in this area. However, Washington's standards were the same as those imposed by the EPA. Furthermore, Washington had recently determined that Seattle and Spokane would be the only metropolitan areas within the state subject to vehicle inspection programs, he said.

Coun. Schedeen returned to the Council Chamber.

The Presiding Officer said the action requested before the Council was to endorse the resolution prepared by the Air Quality Advisory Committee and that staff use the resolution as a guideline for planning transportation efforts.

Coun. Rhodes moved the Council receive the report presented by the Air Quality Advisory Committee and take it under advisement when considering transportation plans and policies. Coun. Schedeen seconded the motion. A vote was taken on the motion and it passed unanimously.

Coun. Williamson left the meeting.

7.2 Executive Officer's Report

There was no Executive Officer's report at this meeting.

7.3 Committee Reports

There were no committee reports at this meeting.

There being no further business, the Presiding Officer adjourned the meeting at 10:05 p.m.

Respectfully submitted,



A. Marie Nelson
Acting Clerk of the Council