

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

OCTOBER 28, 1982

Members Present: Councilors Banzer, Bonner, Burton, Deines,
Etlinger, Kafoury, Kirkpatrick, Oleson,
Rhodes, Schedeen, and Williamson.

Members Absent: Councilor Berkman

Staff Present: Ray Barker, Don Carlson, Andy Jordan, Dan
Durig, Norm Weitting, Jennifer Sims, Doug
Drennen, Dennis Mulvihill, Doug Robertson,
Phillip Whitmore, and Joseph Cortright.

Visitors Present: Hortense Gesatis, 7949 S.E. Glencoe, Milwaukie
George Hubel, Solid Waste Rate Review Committee
Dave Phillips, Clackamas County Solid Waste
Administrator
Dave Miller, 19930 S.W. Boones Ferry, Tualatin
Tim Viviano, 169th and Foster Road

The meeting was called to order by Presiding Officer Banzer at
7:40 p.m.

1. Introductions

There were no introductions at this time.

2. Written Communications to Council.

Presiding Officer Banzer stated that she had received a letter
from Howard Neufeld, 5916 S.E. Jenne Road, Portland, requesting
reconsideration of the Jenne Lynd Acres decision. The com-
munication was referred to Councilor Bonner.

3. Citizen Communications to Council on Non-Agenda Items.

Mrs. Hortense Gesatis, 7949 S.E. Glencoe, Milwaukie, presented
a written statement and testified that she was opposed to any
of the solid waste options. She asked that the Council consider
her ideas for disposing of garbage: aerobic composting and
a requirement that everyone separate their garbage from their
trash. Presiding Officer Banzer requested that Councilor Bonner,
as Chair of the Recycling Committee, keep in touch with Mrs.
Gesatis through his Committee's deliberations.

4. Councilor Communications.

Councilor Williams reported that the Coopers & Lybrand audit report had been received by the Audit Committee on October 28th, and that the opinion of Coopers & Lybrand was that substantial progress had been made.

5. Consent Agenda

The consent agenda consisted of the following:

- 5.1 Minutes of September 23 and October 4, 1982
- 5.2 Resolution No. 82-357, For the purpose of authorizing FY 82 project priorities using Supplemental Interstate Transfer Funds.
- 5.3 Resolution No. 82-358, For the purpose of amending the FY 1983 Unified Work Program.
- 5.4 Resolution No. 82-363, For the Purpose of authorizing the Metropolitan Service District (Metro) to enter into an intergovernmental agreement with Multnomah County, Multnomah County Central Service District, City of Gresham, and Tri-Met to delineate the roles and responsibilities of each party in financing and constructing a sanitary sewer dry line in East Burnside.
- 5.5 Resolution No. 82-364, For the purpose of changing the designation of registered agent for receipt of legal service.
- 5.6 Resolution No. 82-365, For the purpose of amending the Metro Deferred Compensation Plan to allow hardship withdrawals, to make Plan participation voluntary, and to make other minor changes.

Motion to approve the consent agenda (Kirkpatrick/Kafoury).
The vote on the motion resulted in:

Ayes: Councilors Bonner, Burton, Etlinger, Kafoury,
Kirkpatrick, Oleson, Rhodes, Schedeem,
Williamson, and Banzer.

Nays: None

Absent: Berkman and Deines

Abstention: None

6.1 Public Hearing on Ordinance No. 82-146, An Ordinance
establishing Solid Waste Disposal Charges and User Fees;
establishing a credit policy at Metro Disposal Facilities;
and repealing Ordinance Nos. 49, 80-96, 80-100, 80-106 and
81-122. (First Reading)

Councilor Burton described the process which had taken place in order to bring the 1983 rates recommendation to the Council. He stated that the Services Committee recommended adoption of Uniform Rates as contained in the Ordinance before the Council.

Motion to adopt Ordinance No. 82-146 (Burton/Rhodes).

Councilor Oleson stated that a point made by the Rate Review Committee was that a non-uniform rate would encourage the public and haulers to use the most economical facility and asked for a response to that point.

Councilor Burton replied that in applying the uniform rate what Metro would be saying is that there is a regional system and that the uniform rates pay for the components of the total system; that everyone in the system benefits from the facilities available and the rates are set to pay for all those facilities. He stated for future decisions the question of how many facilities the system requires needs to be addressed and a way of doing that is requiring the tracking of costs of services.

Mr. George Hubel, Chairman, Solid Waste Rate Review Committee, stated that one of the biggest problems they had wasn't only the question of whether or not Metro was forcing itself to build future facilities that may be uneconomical by application of the uniform rate, but also the problem that people are being encouraged to use facilities in a less efficient fashion. However, he stated, the two rate structures, full uniform and graduated cost of service, were almost the same and that there really wasn't so much a difference in the rates as there was in philosophy.

Presiding Officer Banzer then opened the public hearing.

Mr. Tim Viviano, 169th and Foster Road, asked several questions regarding the Clackamas Transfer and Recycling Center, and stated that the tonnage limit imposed on CTRC should be raised to allow more haulers to use the Center. He also stated that the rates at Clackamas should be higher because haulers there could get a higher rate because of their franchises.

Councilor Rhodes pointed out that the convenience charge for users of CTRC was intended to balance out the convenience to users of the facility.

Mr. David Phillips, Clackamas County Solid Waste Administrator, and member of the Solid Waste Policy Advisory Committee, stated that the Solid Waste Commission of Clackamas County had directed him to work with Metro to try to get the 400 ton weight limitation lifted for CTRC.

Mr. Dave Miller, 19930 S.W. Boones Ferry, Tualatin, representing the Chairman of the Solid Waste Policy Advisory Committee, testified that after reviewing all the information, the committee was recommending uniform rates for the region but stressed that that recommendation was contingent upon the lifting of the weight restriction at CTRC.

The public hearing on the ordinance was closed, and the ordinance was passed to second reading on November 4, 1982.

Councilor Kirkpatrick suggested that language be developed to support raising the tonnage limit at CTRC.

Councilor Bonner indicated that he was going to bring in alternative language to impose rates closer to the Rate Review Committee's recommendation.

Agenda Item 7.1 was taken up at this time because it related to item 6.1.

7.1 Resolution No. 82-366, For the purpose of allocating resources on a cost of service basis to provide an accurate cost signal to users and policy-makers on the cost of a facility.

Councilor Burton stated that the intent of the Resolution was to address the concern that the Rate Review Committee had about how the Council proceeds in making its decisions on matters of rates and being able, for the purpose of budgeting and rate setting in the future, to determine where those costs should be properly allocated.

Motion to adopt Resolution No. 82-366 (Burton/Rhodes). The vote on the motion resulted in:

Ayes: Councilors Bonner, Burton, Deines, Etlinger, Kafoury, Kirkpatrick, Oleson, Rhodes, Schedeen, Williamson, and Banzer.

Nays: None.

Absent: Councilor Berkman

Abstention: None.

Councilor Burton stated that as the Chair of the Services Committee he had been trying to get a handle on the decision process for the Energy Recovery Facility. He said he thought the decision was supposed to be made by the end of the year but now understood that that wasn't the case.

Dan Durig stated there was a commitment for a 60 day public review process which wouldn't begin until the contracts were complete and initialed by the Executive Officer. He said the completion of the contracts might not occur until December or maybe even January. Mr. Durig also pointed out that the solid waste option meetings should be concluded before public hearings were set for the Energy Recovery Facility.

Councilor Burton stated that he thought WFI was dragging their feet and that interest rates were down now and an opportunity for those low rates may be missed. Councilor Bonner agreed with Councilor Burton and suggested the decision regarding the solid waste options should be made before the end of the year.

Presiding Officer Banzer stated there were significant decisions to be made on ERF at the polls on Tuesday and perhaps the discussion should take place after the election.

The Council recessed at 8:55 p.m. and reconvened at 9:05 p.m.

6.2 Public Hearing on Ordinance No. 82-145, An Ordinance amending the Metro Urban Growth Boundary (UGB) in Washington County for Contested Case No. 81-8. (First Reading)

Councilor Bonner stated that the ordinances (82-145 and 82-147) were the result of a resolution of intent already adopted by the Council on two urban growth matters, Schoppe Acres and the Cereghino case.

Motion to adopt Ordinance No. 82-145 (Bonner/Williamson).

Joseph Cortright stated that a request had been received from the Department of Land Conservation and Development to hold the second reading of the ordinances for 45 days to comply with the State's post-acknowledgement procedures.

There was no one present to testify on this ordinance.

Councilor Rhodes inquired if the people involved in the case were in support.

Mr. Cortright stated that a representative of the applicant was present and that the applicant had asked that the Council follow through on the Resolution of intent.

The ordinance was passed to second reading on December 2, 1982.

6.3 Public Hearing on Ordinance No. 82-147, An Ordinance approving in part the City of Portland's petition for locational adjustment of Metro's Urban Growth Boundary (UGB) for the area known as Schoppe Acres. (First Reading)

Motion to adopt Ordinance No. 82-147 (Bonner/Kafoury).

Mr. Cortright stated that no communication had been received from anyone in Schoppe Acres. He indicated that the property owner had petitioned for the removal of the property from the UGB and that the City of Portland had pursued the action by the Council.

There was no one present to testify on the ordinance.

The ordinance was passed to second reading on December 2, 1982.

6.4 Ordinance No. 82-141, Relating to Local Improvement Districts and Repealing Code Chapter 4.05 (Ordinance Nos. 79-78 and 80-93). (Second Reading)

The vote on the previous motion of October 28, 1982 to adopt the ordinance resulted in:

Ayes: Councilors Bonner, Burton, Deines, Etlinger, Kafoury, Kirkpatrick, Rhodes, Schedeen, and Banzer.

Nays: None

Absent: Councilors Berkman, Oleson, and Williamson.

Abstention: None

7.1 See action on this item following Agenda Item 6.1.

7.2 Resolution No. 82-367, For the purpose of authorizing Metro to enter into a \$3 million loan contract for the financing and construction of sewers in East Multnomah County in conjunction with construction of Light Rail Transit.

Motion to adopt Resolution No. 82-367 (Deines/Kafoury).

Mr. Phillip Whitmore presented the staff report, as contained in the agenda of the meeting.

The vote on the motion to adopt the resolution resulted in:

Ayes: Councilors Bonner, Burton, Deines, Etlinger, Kafoury, Kirkpatrick, Rhodes, Schedeen, and Banzer.

Nays: None.

Absent: Councilors Berkman, Oleson, and Williamson.

Abstention: None.

7.3 Resolution No. 82-359, For the purpose of expressing the Council's opposition to Ballot Measure 6 repealing the State's Land Use Planning Laws.

Motion to adopt Resolution No. 82-359 (Etlinger/Kafoury).
Motion carried unanimously by voice vote.

8.1 Executive Officer's Report

Don Carlson invited Council members to a Wine and Cheese party with the staff to celebrate the completion of the audit on Friday, October 29th at 5:00 p.m.

8.2 Committee Reports

Councilor Burton reminded Councilors of the workshops on the solid waste options to begin on November 9th. He also indicated that the Minister of Environment from Vancouver, B.C. would be visiting Portland on November 9th to visit solid waste facilities.

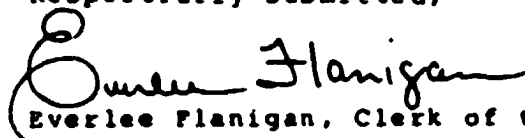
Councilor Deines stated that his Committee would be looking at the solid waste budget before the end of the year. Mr. Carlson stated that Dan Durig was working on the budget and would bring it to the Services and Coordinating Committees.

Councilor Bonner stated that the Development Committee's meeting on November 8th would be held in Washington County.

Presiding Officer Banzer stated that Elected Officials Day at the Zoo would be held Saturday, October 30th.

The meeting was adjourned at 9:40 p.m.

Respectfully submitted,


Everlee Flanigan, Clerk of the Council