

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

NOVEMBER 23, 1982

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

Councilors Absent: Councilor Berkman

Also Present: Executive Officer Rick Gustafson

Staff: Don Carlson, Andy Jordan, Dan Durig, Andy Cotugno, Doug Drennen, Dan LaGrande, Kay Rich, Warren Iliff, Phil Fell, and Sonnie Russell.

Testifiers:	Wes Myllenbeck	Steve Taggard
	Denny Brown	Ed Kulawiar
	Marsha Matthiason	Brian Lockhart
	Liz Moschogianis	Dan Mosee
	Matt Walters	Doug Francescon
	Dwight Long	Robert Breihof
	Susan Ziolk	Sig Jensen
	Ted Raoul	Hanna Johnson
	David Weiss	

The meeting was called to order by Presiding Officer Banzer at 7:39 p.m.

1. Introductions.

There were no introductions at this time.

2. Written Communications to Council.

Presiding Officer Banzer stated there were several written communications included in the Councilor's packets and commented that the Councilors might want to individually respond to them. (Copies of the communications are attached to the agenda of the meeting.)

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

Mr. Wes Myllenbeck, newly elected Chairman of the Washington County Board of Commissioners, was introduced by Councilor Oleson. Mr. Myllenbeck stated that he wanted to come before the Metro Council to reaffirm that a majority of the Board of Commissioners in Washington County wanted better relations with all the governmental jurisdictions it dealt with, and pledged himself to work closely with Metro on problems which were regional in nature.

4. Councilor Communications.

Councilor Etlinger commented regarding a recent Oregonian news article concerning individual Councilors' personal recycling efforts. He stated that recycling service had not been available to him until about a month ago but was one of the first to sign up when it was offered.

Councilor Burton also commented on the Oregonian article, stating that he had been recycling for over seven years.

Presiding Officer Banzer stated that she had missed her recycling pick-up for a few months and presented to Mr. Bob Breihof, president of Portland Recycling Refuse Operations, her recyclable materials.

5. Consent Agenda.

The consent agenda consisted of the following:

5.1 A-95 Review.

5.2 Minutes of the meetings of October 28 and November 4, 1982.

5.3 Resolution No. 82-368, for the purpose of amending the Transportation Improvement Program (TIP) to include a new project on N.W. Everett Street--1st to Front Avenue.

5.4 Award of Remodeling Contract for the Penguinarium.

Motion: Motion to approve the consent agenda (Deines/Williamson).

Councilor Etlinger stated that he wanted to comment on items 6, 7, and 8 of the A-95 Report. He said that currently the Food Bank made use of some of the space in the buildings owned by the Department of Defense and that he would like a letter sent asking that the Department inventory existing and planned new construction space for continued community service use, which would include the Food Bank.

Presiding Officer Banzer asked him to draft a letter and review it with Councilors.

Vote: The vote on the motion to approve the consent agenda resulted in:

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

Nays: None.

Abstention: None.

Absent: Councilors Berkman and Kirkpatrick.

6. Report on Status of Polar Bears.

Warren Iliff, Zoo Director, reported on the illness which had caused the death of two of the polar bears, and made ill several other polar bears. He said all the ill bears were responding to treatment and they were investigating the cause of the deaths.

7. Public Testimony on Solid Waste Issues.

Rick Gustafson, Executive Officer, stated he wanted to take the opportunity to update the Council on the results of the workshops and make some general observations. He reported that the workshops and hearings had gone very well and was pleased with the response and positive suggestions. He said from the response he drew two conclusions: 1) that Metro needs to seek public consensus for a solid waste program; that recycling was the only area in which there was definite public consensus; and he had asked Dan Durig to address that consensus in the form of the budget revisions to come to the Council in December. 2) That there needed to be assurance to the region that there is no crisis in the garbage problem area and that the Wildwood Landfill approval represented the opportunity to avoid a crisis.

Councilor Williamson asked what course the Executive Officer recommended relative to the Oregon City burner. Mr. Gustafson responded that the plans for the energy recovery facility in Oregon City should be set aside, and that an assessment of the general system question of whether garbage to energy was an option in the solution to the garbage disposal problem be conducted.

Councilor Oleson asked if there was going to be proposed in the FY 83-84 budget funding to pursue a burner option. Mr. Gustafson stated that at the present time he had no plans for such a proposal but would recommend the evaluation of the total system.

Councilor Burton requested that Mr. Gustafson request staff to indicate in the budget proposal for the last six months of FY 82-83 where dollars saved by terminating the burner in Oregon City might be spent on other solid waste programs. He suggested that programs such as PRT could be continued if there were dollar savings. Mr. Gustafson responded that the revised budget would respond to the resolutions before the Council that evening.

At this time, Presiding Officer Banzer opened the meeting to public testimony on solid waste issues.

Denny Brown and Marsha Matthiason, representing the Citizens Committee to Oppose the Big Fir Landfill near Dundee, expressed opposition to the proposed Big Fir Landfill for Metro's garbage. Mr. Brown stated that they had come to find out how serious Metro was about Big Fir. Presiding Officer Banzer stated that the Council was taking the posture of being

interested in anything that might be available as far as an energy recovery facility or landfill site but that it was a local land use decision and when appropriate permits were obtained, the Council might take a look at it. She said with the Wildwood site approved it took a great deal of pressure off Metro to find another location for a landfill.

Ms. Liz Moschogianis, representing Oregonians for Clean Air, testified in opposition to the proposed garbage burning facility in Oregon City and urged Metro to stop borrowing funds to finance a facility for which there was no public support. She said that they would like to see a pre-marketing warehouse put on the Oregon City site for recyclables.

Mr. Matt Walters, member of the Executive Board of the Clackamas County Labor Council, testified in support of the garbage burner. He said he was also representing the Multnomah County Labor Council, Oregon State Building Trades and Columbia Pacific Building Trades. He said they support recycling but questioned if recycling should be pursued to the point where it became economically not viable. He said what could not be recycled should be burned or buried, although they were against burying garbage because a garbage burner would generate energy for use in industry and a landfill could not. He said the Oregon City office should not be closed and suggested that more offices be opened to provide information to citizens on the options.

Mr. Dwight Long, 2020 S.E. 42nd Avenue, Portland, stated that he had been involved with recycling for many years and currently worked for Sunflower recycling. He spoke in opposition to the Oregon City garbage burner. He said it was Metro's function to set up an infrastructure and system to handle recyclable materials.

Ms. Susan Ziolk, member of Oregonians for Clean Air, stated that the Council should adopt the resolution terminating work on the Oregon City energy recovery facility and take the money saved and put it toward education programs for recycling and developing markets for recyclers. She also stated that the Oregon City office should be closed because meetings in neighborhoods are more effective to disseminate information.

Mr. Ted Raoul, member of several environmental organizations, spoke in opposition to the garbage burner for environmental reasons. He also distributed to the Council members several news articles pertaining to toxic emissions (copy attached to the agenda of the meeting).

Mr. Steve Taggard, Beaverton, spoke in support of an energy resource facility. He said solid waste solutions should be looked at from a tri-county approach, with information to and testimony sought from all of Metro's constituents.

Mr. Ed Kulawiar, 16106 S. Winston, Oregon City, testified in support of the passage of the resolutions before the Council. He complimented staff for the way the workshops were conducted but felt they were about five years too late. He said he attended three of the workshops and his opinion

was that people wanted recycling. He said people needed to be educated and Metro should redirect resources from the energy recovery facility to a recycling program.

Mr. Brian Lockhart, 2416 N.E. 43rd Avenue, Portland, spoke in support of the passage of the resolutions terminating work on the Oregon City burner. He also spoke in support of a comprehensive recycling program.

Mr. Dan Mosee, 12330 N.E. Multnomah Street, Portland, distributed a brochure to the Councilors regarding PRROS (Portland Recycling Refuse Operators, Inc.) and spoke in support of recycling. He also urged the Council to adopt the resolutions terminating the Oregon City ERF and closing the Oregon City office.

Mr. Doug Francescon, 18754 S. Terry Michael Drive, Oregon City, testified regarding section 3 of Resolution No. 82-370. He said the wording needed to be more specific about what it was referring to--the proposed plant only or did it include other types of burners, like hog fuel boilers. He asked if it was practical to rule out resource recovery in Oregon City because of the vote or did the Council need to consider it because of the solid waste disposal problems facing the region.

Mr. Robert Breihof, 1246 S.E. 49th Avenue, Portland, representing PRROS, testified in support of recycling and the efforts that PRROS had made. He said that PRROS covered more than half of Southeast Portland, with approximately 10% of the people using the curbside service. In Southwest Portland, he said, 12% of the people have accepted curbside recycling. He said Metro needed to agree on a plan for recycling.

Mr. Sig Jensen, Portland, commented that Metro might want to consider other alternatives for resource recovery and suggested that Metro look at closed cycle systems. He said he supported energy recovery as a method of doing something other than landfilling. He suggested that instead of one large facility for energy recovery, Metro should look at smaller systems so that everyone in the community can contribute to the solution instead of one area.

Ms. Hanna Johnson, 1108 4th Street, Oregon City, testified in opposition to the proposed plant in Oregon City. She cited several examples of burners in other cities which were closed down.

At this time, the Council took a ten minute recess.

8. Resolution No. 82-370, For the purpose of terminating work on the proposed energy recovery facility at Oregon City, and redirecting the Metro Solid Waste Program.

Councilor Deines, Chairman of the Coordinating Committee, presented the Coordinating Committee report on the resolution. He said that the resolution was very site specific to Oregon City and that it was the

consensus of the Committee that the contracts should be finished in order to get information on costs so they could be compared with other methods of solid waste disposal.

Motion: Motion to adopt Resolution No. 82-370 (Deines/Bonner).

Councilor Bonner stated that the voters of Oregon City and Clackamas County had given the Council a clear message and that the Council's reaction had to be equally as clear. He said the Council should stop work on the Oregon City burner, as well as engage in no activity to legally challenge the vote. He said that the resolution did not remove the garbage burner as an option to consider outside Clackamas County. He said he personally did not support a garbage burner in any area of the region but knew that some on the Council did. He urged the Council to adopt the resolution.

Councilor Williamson stated that he was opposed to the adoption of the resolution. He said the Council's obligation was to the people of the region, not just the 5,000 people who had voted in Oregon City where 72 votes the other way would have changed the outcome. He said it was the Council's responsibility to make a decision based on the merits of the proposal and not to simply abandon it based on one vote in Oregon City, and although he had not made a decision to vote in favor of it, the facility had great promise. He argued that the Council should finish getting all the facts and testimony and if a majority of the Council decided it was the best way to dispose of solid waste in the region, then it was their responsibility to go out and get a consensus for it.

Motion to Motion to amend the main motion to delete the words
Amend: "to terminate work" in the second line of the first
Resolve (Williamson/Oleson)

Councilor Williamson stated that there was still work necessary to complete the Oregon City proposal in order for the Council to make a decision on whether they wanted to propose it to the region and that was why he wanted to amend the resolution.

Councilor Etlinger stated that he did not interpret the resolution as terminating the burner option and if the word "terminate" was taken out of the resolution it was an unnecessary amendment to a resolution which had already been compromised.

Councilor Burton commented that it didn't matter if the resolution said work was to be terminated because work was going to be terminated anyway because the solid waste budget ended December 31st. He said the Council should pass the resolution and get on with the work of getting a solid waste system in place.

Vote on
Motion to
Amend:

The vote on the motion to amend the main motion resulted in:

Ayes: Councilors Kafoury, Kirkpatrick, Oleson and Williamson.
Nays: Councilors Bonner, Deines, Etlinger, Rhodes, Schedeen and Banzer.
Abstention: Councilor Burton.
Absent: Councilor Berkman.

Motion failed.

Motion to
Amend:

Motion to amend the main motion by amending the second Whereas to read as follows: "The Metro Council therefore recognizes that the energy recovery facility proposed to be located at Oregon City is not currently a legal option" (Kafoury/Rhodes).

Councilor Kafoury stated she was motivated to make the motion because of testimony regarding clarification of what kind of an energy facility the resolution addressed. She said the amendment would clarify that it was Council's intent to address only the proposed Oregon City burner.

Vote on
Motion to
Amend:

The vote on the motion to amend the main motion resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Kafoury, Kirkpatrick, Oleson, Rhodes, Schedeen, and Williamson.
Nays: None.
Abstention: Councilor Burton.
Absent: Councilor Berkman.

Motion to
Amend:

Motion to amend the main motion by amending the third Resolve to read as follows: "Submit to the Council a proposal for re-evaluating the regional system for disposing of solid waste in view of the vote in Oregon City prohibiting the siting of the energy recovery facility proposed to be located in that city" (Kafoury/Schedeen).

Councilor Kafoury explained that the amendment would complete the clarification of the Council's intent.

Vote on
Motion to
Amend:

The vote on the motion to amend the main motion resulted in:

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

Nays: None.
Abstention: Councilor Burton.
Absent: Councilor Berkman.

Motion Motion to terminate further debate (Deines/Rhodes).

A voice vote on the motion to terminate further debate resulted in passage of the motion, with two dissenting votes (Councilors Burton and Etlinger) and one absence (Councilor Berkman).

Vote on
Main
Motion: The vote on the main motion, as amended, to adopt Resolution No. 82-370, resulted in:

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

Nays: Councilors Kafoury, Kirkpatrick, Oleson, and Williamson.

Abstention: None.

Absent: Councilor Berkman.

Motion carried.

9. Resolution No. 82-371, for the purpose of closing Metro's Energy Recovery Office in Oregon City.

Motion: Motion to adopt Resolution No. 82-371 (Deines/Bonner)

Councilor Deines explained that the resolution's intent was to close the Oregon City Office which was no longer necessary.

Motion to
Amend: Motion to amend the main motion to amend the second Whereas to make it consistent with the amended language in the second Whereas of Resolution No. 82-370.

The vote on the motion to amend carried unanimously by voice vote.

Councilor Kafoury asked what the status was on closing the office. Mr. Durig responded that the office rent had been paid through November but that he would close the office effective immediately if the resolution passed.

Vote on
Main
Motion: The vote on the main motion, as amended, to adopt Resolution No. 82-371, resulted in:

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

Nays: None.
Abstention: None.
Absent: Councilors Berkman, Oleson and Williamson.

10. Resolution No. 82-372, for the purpose of emphasizing implementation of the Waste Reduction Plan while developing the Solid Waste Management Plan.

Councilor Rhodes stated that since the resolution dealt the the Solid Waste Management Plan and also because there seemed to be some clarification needed that the resolution should be referred to the Services Committee.

Motion: Motion to refer Resolution No. 82-372 to the Services Committee (Rhodes/Kafoury).

Councilor Etlinger stated that the resolution had been before the Coordinating Committee which had recommended the resolution's adoption. He said the resolution did not impede staff's work on any other activities and he saw no problem in telling the public that recycling was the Council's number one priority.

Councilor Bonner stated that he agreed with Councilor Etlinger and that the Council ought to say as a body that it was supportive of recycling as its top priority.

Vote: The vote on the motion to refer the resolution to the Services Committee resulted in:

Ayes: Councilors Burton, Kafoury, Kirkpatrick, and Rhodes.
Nays: Councilors Bonner, Etlinger, Schedeen and Banzer.
Abstention: None.
Absent: Councilors Berkman, Deines, Oleson, and Williamson.

The motion failed for lack of a majority.

Motion: Motion to amend the resolution to add the following language to the Resolved section of the resolution: "That the Metro Council pledges to adopt and begin implementing a long-range recycling program without regard to completing plans for any new solid disposal system". (Deines/Rhodes)

A voice vote on the motion resulted in the failure of the motion to carry.

Presiding Officer Banzer stated that it was her interpretation of the resolution that implementation of a long-range recycling program could occur whether or not there were other components of the system in place. Councilor Kirkpatrick stated that that was not her interpretation at all.

Councilor Etlinger explained that the Recycling Subcommittee would complete its work within the next year and that the Council would not need to finally approve the building of Wildwood or an energy recovery facility in that time frame and thus he saw no timing problem with the resolution's emphasis on recycling.

Councilor Burton pointed out that the Council would have the opportunity to emphasize recycling when the solid waste budget revisions for the last six months of FY 82-83 were before them in December. He said he supported passage of the resolution as a statement of concern rather than an act by the Council and that where it counted was when the budget was adopted.

Motion: Motion to terminate debate (Burton/Etlinger)

The vote on the motion resulted in:

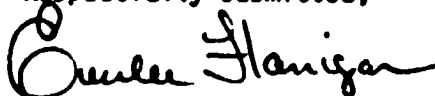
Ayes: Councilors Bonner, Burton, Deines, Etlinger, Schedeen, and Banzer.
Nays: Councilors Kafoury, Kirkpatrick, and Rhodes.
Abstention: None.
Absent: Councilors Berkman, Oleson and Williamson.

Vote: The vote on the passage of the resolution resulted in:

Ayes: Councilors Bonner, Burton, Etlinger, Kafoury, Kirkpatrick, Rhodes, Schedeen, and Banzer.
Nays: Councilor Deines.
Abstention: None.
Absent: Councilors Berkman, Oleson and Williamson.

There being no further business, the meeting was adjourned at 10:39 p.m.

Respectfully submitted,



Everlee Flanigan, Clerk of the Council