

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

DECEMBER 21, 1982

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

Councilors Absent: Councilors Berkman, Bonner, and Kafoury.

Also Present: Rick Gustafson, Executive Officer.

Staff: Don Carlson, Andrew Jordan, Dan Durig, Richard Brandman, Andy Cotugno, Doug Drennen, and Norm Wietting.

Testifiers: Angus MacPhee, Disposal Industries, Inc.
Richard Stein, Attorney representing Disposal Industries, Inc.
Jan Schaeffer, City of Portland
Carol Jones, Oregon Environmental Council
Elton Chang, Federal Highway Administration
Phil Whitmore, Corporation for Transit Investment
Cheryl Perrin, Fred Meyer, Inc.

The meeting was called to order at 7:46 p.m. by Presiding Officer Banzer.

1. Introductions.

There were no introductions.

Written Communications to Council.

Presiding Officer Banzer stated that the Council had received a number of Christmas Cards.

3. Councilor Communications.

Councilor Burton said he had a written statement which he had distributed but would not read (copy attached to the agenda of the meeting) regarding his observations during his tenure as a Metro Councilor. He did remark on the recently released Metropolitan Citizens League Report on Metro and said he generally agreed with the comments and recommendations but thought there needed to be further review of Metro's total function. He expressed his regrets about leaving the Council and his continued support of its efforts.

Motion
and Vote:

Councilor Rhodes moved that the Council send a letter to the Metropolitan Citizens League thanking them for their work and spirit of cooperation. Councilor Schedeen seconded the motion.

By voice vote, the motion carried with one dissenting vote (Williamson)

Councilors Etlinger and Williamson made comments about the leaving Councilors and the fact they will be missed.

Councilor Schedeen stated she would miss everyone and she felt good about leaving at this point in time because the Council seemed to be heading in the right direction.

Councilor Oleson presented Don Carlson with a piece of cake in honor of his one year anniversary with Metro.

Presiding Officer Banzer then called on Executive Officer Rick Gustafson.

Mr. Gustafson presented a memorandum regarding the decision on the Wildwood landfill and its conditions (a copy of the memorandum is attached to the agenda of the meeting). He highlighted those conditions which were of significance to the Council.

There was general discussion regarding the conditions and Presiding Officer Banzer referred the matter to the Services Committee for a more detailed discussion and consideration.

Mr. Gustafson stated that Andy Jordan, Norm Wietting, Dennis O'Neil, and Roger Shiels, deserved special recognition for their work on the Wildwood Landfill.

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

Mr. Richard Stein, attorney, 544 Ferry Street, S.E., Salem, 97301, representing Disposal Industries, Inc., stated that he was before the Council to briefly introduce a proposal regarding a landfill in Dundee, Oregon. He said that currently Metro shipped approximately 350 tons of solid waste a day to a Newberg landfill site operated by Angus MacPhee. He said that site would be closed in the summer of 1983. The new Big Fir landfill site, he said, was proposed to take the 350 tons plus an additional 650 tons for a total of 1,000 tons a day. He said the proposal would not impact the Wildwood site because there was a need for both sites. Mr. Stein said they were appearing before the Council to request a statement of need from Metro for the landfill to present to the Yamhill Planning Commission during their upcoming land use hearing on the proposal. He said they needed their request expeditiously processed because of the Yamhill County hearing schedule.

Presiding Officer Banzer commented that Metro staff had met with the proposers of the landfill several times and that she had sent a letter to Russ Fetrow, the consulting engineering for the project, informing him that Metro was neutral on the issue, in response to his communication to her.

Councilor Rhodes stated that the only control Metro had over a site that was not owned or operated by Metro was through a franchise and that they could not franchise outside of the Metro boundaries. She asked Mr. Stein how Metro would be able to control a landfill in Yamhill County. Mr. Stein

responded that there would need to be a contract between Metro and Disposal Industries. More importantly, he said, DEQ would be overseeing all of the environmental impacts of the landfill.

Mr. Angus MacPhee, Disposal Industries, Inc., stated that he was Chairman of the Institute of Waste Technology and knew what it took to control a landfill environmentally. He reiterated that DEQ would oversee any new landfill.

Presiding Officer Banzer asked Mr. Stein when he would have a specific proposal for Metro staff and Council to review. Mr. Stein responded that it was hoped it would be available within the next week.

Presiding Officer Banzer stated that since the Coordinating Committee had dealt with a number of items related to the issue, it might be appropriate to have that Committee review the proposal. Councilor Deines, Chairman of the Coordinating Committee, tentatively scheduled a special Coordinating Committee meeting for December 28th at 6:00 p.m. to consider the proposal.

Presiding Officer Banzer informed Council that she had sent a request to the Executive Officer to set up a process to consider proposals such as the Big Fir landfill in the future. Don Carlson, Deputy Executive Officer, stated that the staff was working on a Systems Planning approach to respond to proposals and would be working with the Services Committee and ultimately the Council on how to proceed. He said time was needed to put together various scenarios for presentation.

5. Consent Agenda

The consent agenda consisted of the following:

- 5.1 Resolution No. 82-377, for the purpose of submitting the Regional Waste Treatment Management Plan for recertification.
- 5.2 Resolution No. 82-374, for the purpose of amending the Transportation Policy Alternatives Committee (TPAC) By-Laws.
- 5.3 Resolution No. 82-375, for the purpose of amending the Transportation Improvement Program (TIP) to include a new project--N.W. 185th from Rock Creek Boulevard to the Tualatin Valley Highway.
- 5.4 Resolution No. 82-376, for the purpose of commenting on the Transportation Improvement Program (TIP) and on the determination of air quality consistency for the urban areas of Clark County.
- 5.5 Appointment of Edward Gronke and James N. Dilworth to the Solid Waste Rate Review Committee.
- 5.6 Appointment of Michael Holstun to approved list of Hearings Officers.

Motion and Councilor Kirkpatrick moved adoption of the Consent Agenda.
Vote: Councilor Rhodes seconded the motion.

The vote on the motion to adopt the Consent Agenda resulted in:

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

6.1 Consideration of Resolution No. 82-373, for the purpose of authorizing implementation of the bicycling safety and encouragement program.

Councilor Etlinger presented the Development Committee report and recommendation of approval.

Motion: Councilor Etlinger moved adoption of Resolution No. 82-373.
Councilor Kirkpatrick seconded the motion.

Richard Brandman, Transportation Department, and Jan Schaeffer, City of Portland, Bicycle and Pedestrian Program, presented the staff report, as contained in the agenda of the meeting.

Councilor Williamson stated he had received a statement from Rick Root, representing the City of Beaverton's Bicycle Task Force, supporting the Resolution. (A copy of Mr. Root's statement is attached to the agenda of the meeting.)

Ms. Schaeffer submitted City Commissioner Mike Lindberg's statement in support of the resolution. (Statement attached to the agenda of the meeting.) Ms. Schaeffer stated that the thrust of the program was on bicycle safety which had previously been overlooked by the media. She said the overall benefit to the region of people using bicycles to get to work would save hundreds of dollars each year.

Mr. Brandman stated that there was widespread community support for the program and that 85% of the respondents to a survey conducted were in support. He said if they had learned that the community wasn't supportive, they would have suggested that the money be given back to the federal government. He said it was hoped that the program would help the region meet some of its transportation, air quality and energy conservation goals.

Presiding Officer Banzer then asked for public testimony.

Mr. Elton Chang, Transportation Planner for the Federal Highway Administration, 100 Equitable Center, Salem, testified in support of the program, and said that the bicycle project had been selected number one over all other submissions to receive TSM discretionary funds. He said the Washington,

D.C. office had commented it was one of the best bicycle-oriented projects they had reviewed.

Ms. Carol Jones, 2877 S.E. Sherman Street, 97214, representing the Oregon Environmental Council, testified in support of the program.

Vote: The vote on the motion to adopt Resolution No. 82-373 resulted in:

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

Nays: None.

Abstention: None.

Absent: Councilors Berkman, Bonner, Burton, Deines, and Kafoury.

Motion carried, Resolution adopted.

7.1 Ordinance No. 82-149, amending the Metro Urban Growth Boundary in Washington County for Contested Case No. 81-10. (Sharp Property) (Second Reading)

The ordinance was read a second time, by title only.

Mr. Joseph Cortright, Planner, briefly reviewed the staff report, as contained in the agenda of the meeting. He said the staff recommendation was to approve the trade.

There was no Council discussion.

Vote: The vote on the previous motion to adopt the Ordinance resulted in:

Ayes: Councilors Burton, Etlinger, Kirkpatrick, Oleson, Rhodes, Schedeen, and Williamson.

Nays: None.

Abstention: None.

Absent: Councilors Berkman, Bonner, Deines, and Banzer.

Motion carried, Ordinance adopted.

7.2 Ordinance No. 82-148, amending the Urban Growth Boundary in Washington County for Contested Case No. 81-9. (Corner Terrace) (Second Reading)

The ordinance was read a second time, by title only.

Mr. Cortright presented a brief summary of the staff report, as contained in the agenda of the meeting. He stated it was the staff's recommendation that the trade be approved.

Councilor Oleson stated that the case barely seemed to meet the standards and that there were some close issues. Mr. Cortright responded that there were close issues but reiterated that the staff came down on the side of the case meeting the standards.

Councilor Rhodes stated that she intended to vote against the amendment because she felt the trade was not significant enough to alter the Urban Growth Boundary. She said she didn't mind the Malinowski property being withdrawn from the UGB but she was not in favor of adding the Corner Terrace property to the UGB.

Councilor Williamson inquired about a point raised at the last meeting regarding the sewer capacity; that it couldn't be added to and therefore it wasn't an urban service available to the Corner Terrace Property. He asked if the sewer line could be used.

Mr. Cortright responded that it was his recollection there was capacity in the line and the treatment plant but there was a question that some years down the road the Wolf Creek District would need to add to the system.

Mr. Al Benkendorf, representing the applicants in the case, stated that the Unified Sewerage Agency was in the process of constructing the Rock Creek trunk which would provide sufficient capacity to serve the Corner Terrace property.

Councilor Etlinger stated he had changed his mind since the committee meeting and was now opposed to the trade. He said he was persuaded by the testimony of the representative of the 1,000 Friends of Oregon, that he had looked at the property and talked to people, all of which convinced him that there were no negative impacts to the UGB if the property was not included.

Councilor Oleson stated he had also looked at the land and thought the area looked somewhat urban. He said the land might provide a better buffer between urban and farmland than what existed now.

Vote: The vote on the previous motion to adopt Ordinance No. 82-148 resulted in:

Ayes: Councilors Burton, Deines, Kirkpatrick, Oleson, Schedeen, Williamson, and Banzer.

Nays: Councilors Etlinger and Rhodes.

Abstention: None.

Absent: Councilors Berkman, Bonner and Kafoury.

Motion carried, Ordinance adopted.

7.3 Ordinance No. 82-150, relating to the FY 1982-83 budget and appropriations schedule; eliminating three energy recovery facility funds; eliminating the drainage fund, creating a sewer assistance fund, and amending Ordinance No. 82-132. (First Reading)

Motion: Councilor Deines moved adoption of Ordinance No. 82-150.
Councilor Rhodes seconded the motion.

Don Carlson, Deputy Executive Officer, reviewed the staff report, as contained in the agenda of the meeting. In addition, he presented a memorandum from him to the Council, dated December 21, 1982, which outlined changes made to the ordinance since the Council Coordinating meeting (copy of the memorandum is attached to the agenda of the meeting).

Dan Durig, Solid Waste Director, briefly reviewed the revised staff report on the Solid Waste FY 82-83 budget amendments (copy of the revised staff report is attached to the agenda of the meeting).

Councilor Etlinger inquired about the \$29,000 in the ERF contingency and asked if it was anticipated that more would be spent on ERF. Mr. Durig responded that the contingency could not be spent without Council authorization and that it was there to provide for unanticipated needs related to ERF and professional services if the land was decided to be sold.

Councilor Etlinger also stated that the Council had not adopted a policy regarding curbside programs, yet the proposed budget dedicated a significant amount of time for the coordination of the curbside program. He asked if approving the budget committed the Council to such a program. Mr. Durig responded that approval of the budget did not commit the Council to a curbside program. He said the program would be evaluated during the first couple of months of 1983 and contract awards would have to go through the committee process to Council for approval.

Councilor Rhodes stated that while the Services Committee did not make a recommendation, the budget did reflect those priorities which the Committee and Council had previously set; including emphasis on systems planning, waste reduction, elimination or reduction of ERF, and funding and staffing for the continuation of the methane gas study. She said she recommended that the ordinance be approved.

Councilor Williamson stated he was going to vote against the ordinance because he thought the Council should make a substantive decision regarding ERF before it adopted the budget revisions.

There was no public testimony on the ordinance.

The ordinance was then passed to second reading on January 6, 1983.

At this time, the Council recessed for ten minutes.

8. FY 82 ODOT Six-Year Program Update.

Andy Cotugno, Transportation Director, stated that the State was in the process of preparing their bi-annual update of the six-year program to be released in draft form in September 1983. He said that, unlike in the past, this time around they were soliciting comments and suggestions for projects at the beginning of the process which would provide the opportunity for input at a logical time. He also said if the Congress passed the 5¢ gas increase, it would mean \$40-60 million additional funds to the State during the next six years, and the six-year plan would be the vehicle for determining how the additional funds were spent. (A copy of the staff report is contained in the agenda of the meeting)

9. Report on the delay of the opening of Clackamas Transfer and Recycling Center and the subsequent impacts on Metro's disposal rates. (Informational).

Mr. Durig, Solid Waste Director, stated that the primary problem with the delay in the opening of CTRC was the effect it would have on the St. Johns Landfill. He said when the rate study was completed during the Fall, certain assumptions had been made. One of those, he said, was that CTRC would open January 1, 1983, however, it was now expected to open in March, 1983. The result of that delay meant that the flow into St. Johns would drop from 40,000 to 20,000 tons because Rossman's would remain open until March and there would be no transfer from CTRC. He said the loss of flow was important because of the sliding scale contract with Genstar; the more buried, the less cost per ton Metro incurred. He said the loss in revenue could go as high as \$82,700.

Mr. Durig outlined three options:

- 1) Proceed with the implementation of the 1983 rate schedule adopted by the Council. This may result in the loss of up to \$82,700.
- 2) Raise the disposal charge from \$10.33 to \$10.98 and at the same time reduce the regional transfer charge by 23¢ for two months. This option would mean no loss of revenue.
- 3) Raise the disposal charge from \$10.33 to \$10.98 and not charge the regional transfer charge until CTRC opens. Under this option there would be no loss of revenue.

He stated it was the staff's recommendation that option one was the best choice given the lateness of the date, the fact that publicity and information had already been distributed, as well as creating less confusion to the industry and public if the rates remained consistent.

Councilor Kirkpatrick asked how CTRC was delayed. Mr. Norm Wietting explained the delay: problems with driving the piles, equipment problems, and soil problems.

Councilor Kirkpatrick then asked if it wasn't the contractor's responsibility to pick up the costs of the delay. Mr. Wietting stated there were provisions in the contract for liquidated damages. Mr. Durig stated he was pretty sure they would be in court looking for some liquidated damages but was reluctant to plan on any award.

Councilor Rhodes asked if Rossman's was going to be allowed to remain open until CTRC was open. Mr. Durig stated that Rossman's still had room in it and was expected to close in March.

Councilor Deines stated he didn't understand how funds were going to be lost if the costs of running CTRC weren't going to be incurred and that it should balance even if the flow was reduced. Mr. Durig explained how the sliding scale contract with Genstar would affect expenditures and revenues. He distributed a projected revenue chart and explained the potential loss (attached to the agenda of the meeting).

Councilor Deines stated that he would have to see more detailed calculations before he could completely understand the loss in revenue and which option should be implemented.

10. Consideration of Executive Officer's Recommendation for Metro's Legislative Program and Staffing.

Councilor Oleson commented that he thought a good job had been done on the legislative procedures and liked the team approach to handling the program.

Motion: Councilor Rhodes moved approval of Metro's Legislative Program and Staffing as recommended in the Executive Officer's Memorandum of December 13, 1982, Councilor Schedeen seconded the motion.

Councilor Kirkpatrick inquired if the motion included the confirmation of Tom O'Connor as the legislative assistant. Councilor Rhodes responded that that was her intent.

Vote: The vote on the motion to approve the Legislative Program and Staffing resulted in:

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

Nays: None.

Abstention: None.

Absent: Councilors Berkman, Bonner, Burton, Kafoury, and Banzer.

Motion carried, recommendation adopted.

11. Consideration of Letter to Friends of the Earth regarding Solid Waste Conference.

Councilor Rhodes reported that the Services Committee had discussed the letter to the Friends of the Earth but felt the letter contained in the agenda was a little more abrupt than she would prefer. However, she said, her preference was that the Council adopt the Executive Officer's recommendation as contained in the staff report.

Motion: Councilor Rhodes moved adoption of the Executive Officer's recommendation that the Council delegate the writing of a response to the Friends of the Earth to the Presiding Officer. Such letter should commend them for their efforts to raise awareness of the solid waste problem in the region. If the Friends of the Earth request more from Metro such as an endorsement of the conference, staff support or funding, specific answers to the questions in the letter attached to the staff report should be obtained.

Councilor Etlinger seconded the motion.

There was general discussion of the proposed letter in the staff report and the Executive Officer's recommendation.

Vote: A voice vote on the motion resulted in:

Ayes: Councilors Etlinger, Kirkpatrick, Uleson, Rhodes, Schedeen, Williamson, and Banzer.

Nays: Councilor Deines.

Abstention: None.

Absent: Councilors Berkman, Bonner, Burton, and Kafoury.

Motion carried; recommendation adopted.

12. Schedule for Filling Council Vacancy.

Presiding Officer Banzer stated that based on a discussion at the Coordinating Committee meeting, Mr. Barker had prepared and distributed a schedule for filling the Council vacancy. (A copy of the schedule is attached to the agenda of the meeting.)

She stated that a letter had also been received from Councilor-elect Van Bergen expressing his concern about conducting an open and thorough process to fill the vacancy to be left by Councilor Berkman in District 3 (a copy of the letter is attached to the agenda of the meeting). She said she had also received a letter of intent to resign from District 2 from Councilor Williamson, effective January 12, 1983, and a memo of understanding signed by a majority of the Council members who would be serving in 1983, that it was their express intention to support Councilor Williamson's appointment to the vacancy in District 3.

Presiding Officer Banzer said that based on the memo of understanding it appeared that the procedure now would be to declare a vacancy in District 2. She said the next step would be to have Councilors Oleson and Williamson send a letter to interested individuals and organizations in Washington County notifying them of the vacancy and inviting them to have interested people fill out an application. Councilor Kirkpatrick asked why those two Councilors would be sending a letter. Presiding Officer Banzer responded that that was because they represented Washington County. Councilor Kirkpatrick reminded the Council that she too represented a portion of Washington County. Presiding Officer Banzer stated there was no intention to overlook her and that she should certainly join in the letter with Councilors Oleson and Williamson as well as send a letter to any others she wished to inform of the vacancy.

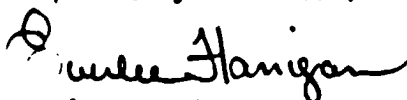
Presiding Officer Banzer stated if there were no objections to the procedure and schedule, Mr. Barker would begin implementing the process.

13. Sewers

Councilor Etlinger introduced Phil Whitmore of the Corporation for Transit Investment, and Cheryl Perrin, lobbyist for Fred Meyer, Inc. Mr. Whitmore and Ms. Perrin reviewed with the Council the sewer options available for the proposed new Fred Meyer Gateway store and the surrounding area.

There being no further business, the meeting was adjourned at 10:43 P.M.

Respectfully submitted,



Charlee Flanigan
Council Clerk