

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

**REGULAR MEETING
SEPTEMBER 29, 1983**

Councilors Present: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kafoury, Kirkpatrick, Oleson, Van Bergen, Waker, and Williamson.

Also Present: Rick Gustafson, Executive Officer.

Staff Present: Andrew Jordan, Donald Carlson, Ray Barker, Andy Cotugno, Dan Durig, Norm Wietting, Doug Drennen, Warren Iliff, Ed Stuhr, Steven Siegel and Mark Brown.

Testifiers: George Hubel, Brian Lockhart, Robert Stacey and DeMar Batchelor.

A regular meeting of the Council of the Metropolitan Service District was called to order at 7:50 p.m. by Presiding Officer Banzer.

1. Introductions.

There were no introductions.

2. Councilor Communications.

Presiding Officer Banzer noted that a number of letters had been received regarding the Tri-Met issue and indicated she would have copies distributed to members of the Council.

3. Executive Officer Communications.

There were no Executive Officer communications.

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

There were no written communications to Council on non-agenda items.

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

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

6. Consent Agenda.

The Consent Agenda consisted of the following items:

- 6.1 Minutes of the meetings of May 5, May 26, June 23, and August 25, 1983.
- 6.2 Consideration of Resolution No. 83-430, for the purpose of adopting the FY 1984 to Post-1987 Transportation Improvement Program and the FY 1984 Annual Element.

Motion: Councilor Kirkpatrick moved adoption of the Consent Agenda. Councilor Bonner seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Bonner, Etlinger, Hansen, Kafoury, Kirkpatrick, Oleson, Van Bergen, and Waker.

Nays: None.

Absent: Councilors Deines, Kelley, and Williamson.

Motion carried.

7.1 Consideration of Ordinance No. 83-163, relating to Solid Waste Disposal Charges and User Fees, amending Metro Code Sections 5.02.020, 5.02.025 and 5.02.050, and declaring an emergency. (First Reading)

Councilor Hansen reported that the Regional Services Committee was bringing the ordinance to the Council with no recommendation. He asked Mr. Durig to discuss the issues raised during the Services Committee consideration.

Dan Durig, Solid Waste Director, distributed a packet of materials regarding the Solid Waste Disposal Rates (a copy of the packet is attached to the agenda of the meeting). He reviewed the background for establishing the rates and the questions raised by the Services Committee. He noted that within the proposed ordinance was language which would allow a waiver of the minimum disposal charge to the public provided that at least 1/2 cubic yard of recyclables was brought in with other material to be disposed.

Norm Wietting, Solid Waste Department, reviewed the materials within the packet, which included: a comparison of the proposed and current rates; a haul cost analysis; a map of the disposal service area; a history of commercially hauled solid waste at St. Johns and Rossman's landfills; and an analysis of CTRC cost behavior at differing volumes of waste flow.

Mr. Durig said one of the issues raised by the Services Committee was the use of a "convenience charge" to control flow at CTRC. He said that if too much flow goes to CTRC, it would have a negative financial impact. He said if flow wasn't controlled by the convenience charge, other options would be to either adopt a flow control ordinance, or to close the doors to certain customer classes or at certain times after a given limit was reached.

Councilor Etlinger expressed concern that the proposed language waiving the minimum disposal charge had not been reviewed or discussed with the Services Committee or Recycling Subcommittee.

Councilor Kirkpatrick said that, philosophically, if Metro was to have a regional system, the cost should be the same region-wide. She said she did not support a convenience charge and that flow control should be used.

Councilor Deines commented that the hauling industry had testified there was no economic justification for the \$1.49 convenience charge but had agreed it was a fair charge for the convenience of using CTRC.

Councilor Bonner said the flow of solid waste to CTRC had to be controlled because of the tonnage limit placed on it by Oregon City and because it cost more to run the transfer system if more waste goes through it. He said it was unclear from the data whether or not a price increase would have an affect on flow at CTRC. He asked if a sliding scale convenience charge was possible when flow needed to be controlled. Mr. Durig responded that the Solid Waste Policy Advisory Committee and the Rate Review Committee did not like the idea of a sliding scale convenience charge but that the Executive Officer was recommending that that alternative be looked at.

Motion: Councilor Hansen moved adoption of Ordinance No. 83-163. Councilor Williamson seconded the motion.

The ordinance was then read a first time, by title only.

Mr. Jordan explained the reason for the emergency clause was to allow the ordinance to go into effect before the statutorily required waiting period of 65 working days before a rate ordinance could be effective.

Presiding Officer Banzer then opened the meeting to public testimony.

Mr. George Hubel, Chair, Solid Waste Rate Review Committee, testified that the Committee recommended that the rates be adopted with the proviso that there be a cap on the convenience charge at \$2.25. He said they believed that price could control the flow of waste.

Councilor Etlinger asked if the Committee had recommended that a pilot project be conducted on differential rates. Mr. Hubel responded that they had but that there was no anticipation on their part that a differential rate study should be incorporated in the rate study because they were two different things.

Mr. Brian Lockhart, 2416 N.E. 43rd Avenue, Portland, testified that in 1982 after the decision was made not to proceed with an energy recovery facility, the Council had stated its priorities as 1) increased recycling, 2) the transfer station, and 3) Wildwood. He said that, in fact, the priorities had been reversed with Wildwood, the transfer station, and then recycling becoming the priorities. He said Metro needed to re-examine its philosophy and priorities in Solid Waste.

Motion to amend: Councilor Deines moved to amend Ordinance No. 83-163 to delete the following language from Section 1 (b) and Section 2 (d): "The minimum volume shall be waived for any person delivering one-half cubic yard or more of recyclable materials. Such persons shall be charged for the actual amount of waste delivered at the extra yardage rate".

Councilor Etlinger seconded the motion.

Councilor Deines said the language should be deleted until the Services Committee and Recycling Subcommittee had had an opportunity to review the language and make a recommendation to the Council.

Councilor Hansen said he was supportive of the language, but agreed that the Services Committee should have a chance to comment on it.

Councilor Waker asked that information be provided on what the lost revenue would be if the new language were adopted. Mr. Durig said he would return with an estimate, although he believed it would have a minimal impact.

The ordinance was passed to second reading on October 27, 1983.

7.2 Consideration of Ordinance No. 83-162, amending the Urban Growth Boundary (UGB) in Clackamas County for Contested Case No. 81-2. (First Reading)

Councilor Kafoury reviewed the history of the case. She noted that the condition that annexation to the Metropolitan Service District occur before the UGB was amended had been satisfied.

Motion: Councilor Kafoury moved adoption of Ordinance No. 83-162. Councilor Williamson seconded the motion.

The ordinance was then read the first time, by title only.

There was no public testimony or Council discussion.

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

7.3 Consideration of Ordinance No. 83-161, for the purpose of updating the Adopted Metropolitan Service District Regional Transportation Plan. (First Reading)

Councilor Williamson reported that TPAC and JPACT had recommended approval as well as the Regional Development Committee.

Motion: Councilor Williamson moved adoption of Ordinance No. 83-161. Councilor Kirkpatrick seconded the motion.

The ordinance was then read the first time, by title only.

There was no public testimony.

Councilor Bonner commented that the RTP included the Bike Plan and a good agreement on the light rail corridor. He said it was a noteworthy document in those areas and complimented the people who had been involved.

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

8.1 An Order and Resolution of Intent, No. 83-428, to approve a petition by Corner Terrace Partnership for a locational adjustment to the Urban Growth Boundary (UGB) upon compliance with conditions.

Councilor Kafoury reported that in December 1982 the Council had adopted an ordinance adding the Corner Terrace property to the UGB. However, she said, the decision was appealed to LUBA and procedural problems were found with the Findings of Fact and Conclusions of Law. She said the resolution before them would formally adopt the Findings. She said the Regional Development Committee had received testimony on September 12th and as a result the Resolution was before the Council without a recommendation. She said some of the Committee members had questioned whether or not the Findings should be forwarded.

Councilor Williamson pointed out that a lot of time had been spent on the case already and a decision had been made. He said the issue before them was to formally adopt the Findings which had not been included previously and was merely a procedural problem being corrected.

Motion: Councilor Kafoury moved adoption of Resolution No. 83-428. Councilor Bonner seconded.

Mr. Bob Stacey, attorney representing Michael McPherson and Gary Sundquist, 519 S.W. 3rd Avenue, Portland, testified in opposition to the locational adjustment. He said Metro's standards precluded agricultural land from being included in the UGB, even as part of a trade, unless there were severe negative impacts on service or land use efficiency within the adjacent urban area resulting from the existing location of the boundary which would be solved by making the change. He said the severe negative impacts had not been proven and urged the Council not to adopt the Resolution.

Mr. DeMar Batchelor, attorney representing the Corner Terrace Partnership, 139 E. Lincoln, Hillsboro, testified in support of the Resolution. He said because of an oversight the order did not have the Findings attached. He said the Council had already made the policy decision to approve the petition and should not be reconsidering the merits at this point. He pointed out that the case had not yet been heard by LUBA. He then reviewed the Findings which indicated that the criteria regarding severe negative impacts had been met.

Councilor Etlinger said he would vote the same way he did before because he did not see the flexibility in the Metro standards to allow the inclusion of the property in the UGB.

Vote: The vote on the motion to adopt Resolution No. 83-428 resulted in:

Ayes: Councilors Banzer, Bonner, Kirkpatrick, Oleson, Waker, and Williamson.

Nays: Councilors Etlinger and Kafoury.

Absent: Councilors Deines, Kelley, and Van Bergen.

Abstention: Councilor Hansen.

Motion carried, Resolution adopted.

At this time, the Council recessed for ten minutes.

9.1 Future Funding -- Zoo Projections.

Warren Iliff, Zoo Director, presented a memorandum entitled, "Preliminary Five-Year Projections for Zoo Operating Fund" (a copy of the memo is attached to the agenda of the meeting). He said a more detailed report would be coming to the Council with a further analysis of the projections and recommendations dealing with funding the Zoo's operations.

Councilor Bonner asked when the Master Plan would be forthcoming. Mr. Iliff responded the Plan should be before the Council in November. Mr. Gustafson commented that the Council may want to consider a combination capital and operating tax proposal which would be limited to the amount requested from the voters in the previous election. That amount, he said, should be kept in mind when determining what capital projects should be requested along with the required operating funds.

Councilor Kafoury asked if admission fees were high or low when compared with other zoos. Mr. Iliff responded that the zoo's fees were below average in terms of comparable zoos.

Mr. Gustafson said an analysis of the ballot measure options and the results of a voter attitude study would be presented at the next meeting on Future Funding.

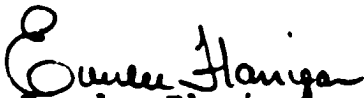
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Councilor Bonner asked if the intent was to present a Zoo financing measure separate from a Metro general funding measure. Mr. Gustafson said the Council had not yet made that determination. Councilors Bonner, Etlinger and Rafoury indicated they preferred that a zoo measure be separate from a Metro general funding measure. Councilor Kirkpatrick said she wanted to see what the survey results were before making an indication of preference. She said it was important they win in whatever they decided.

Mr. Gustafson said the first decision which needed to be made by the Council was whether the zoo funding and Metro general funding would be separate or joint measures before the voters. Then a decision on whether the measure should be a tax base or serial levy, and then finally, what the dollar amount of the measure would be.

There being no further business, the meeting adjourned at 10:35 p.m.

Respectfully submitted,


Everlee Flanigan
Clerk of the Council

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