

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

REGULAR MEETING
OCTOBER 27, 1983

Councilors Present: Councilors Banzer, Deines, Etlinger, Hansen, Kelley, Kirkpatrick, Van Bergen, Waker, and Williamson.

Councilors Absent: Councilors Bonner, Kafoury, and Oleson.

Staff Present: Donald Carlson, Ray Barker, Dan LaGrande, Marion Hemphill, Norm Wietting, Dan Durig, Dennis Mulvihill, Phil Fell, and Doug Drennen,

Testifiers: John Spencer and Gary Newbore.

A regular meeting of the Council of the Metropolitan Service District was called to order at 7:35 p.m. by Presiding Officer Banzer.

1. Introductions.

There were no introductions.

2. Councilor Communications.

Councilor Waker said he had received a letter from Gary Conkling of Tektronix expressing concern about erroneous statements being made by Washington County about the Westside Light Rail Transit Project. He requested that a communication be sent to Washington County explaining the Council's position (a copy of the letter and an excerpt from a Washington County background document are attached to the agenda of the meeting).

3. Executive Officer Communications.

Donald Carlson, Deputy Executive Officer, presented a memo from the Executive Officer entitled "Report on Resolution No. 83-429, Establishing a Study Commission on Metropolitan Governance in the Greater Portland Area" (attached to the agenda of the meeting). He said that the Executive Officer had contacted the City Club, the Metropolitan Citizens League and the Columbia-Willamette Futures Forum. In addition, he said, an effort was underway to establish a Legislative Task Force on Metropolitan Governance. Mr. Carlson said the Executive Officer was recommending that Metro encourage any interested group to study

regional government structure, functions and financing, and that any such efforts be focused toward the Legislative Task Force on Metropolitan Governance.

Councilor Etlinger expressed disappointment at the level of effort made by the Executive Officer. He said he had talked to several organizations regarding the Study Commission and believed that one organization in the region needed to take the lead.

Mr. Carlson said it was his understanding the Representative Otto was going to try to pull together the leadership of those organizations interested into a coalition group that might function prior to his legislative committee meetings.

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

Presiding Officer Banzer said a letter had been received regarding Carlton Springs and that legal counsel was assisting in responding to it.

She also noted that Mrs. Geraldine Ball, 11515 S.W. 91st Avenue, Tigard, 97223, had brought to her attention that the agenda should be corrected to reflect that the minutes of the September 29 meeting should be noted as those of the Special Meeting and not the Regular Council meeting.

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 July 7, September 8, and the special meeting of September 29, 1983.
- 6.2 Resolution No. 83-432, for the purpose of submitting the Areawide Water Management Plan for recertification.

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

Councilor Etlinger asked if Killingsworth had been notified of the changes through SWPAC or the Rate Review Committee. Mr. Durig responded that the rates were reviewed by SWPAC and that Mr. Newbore was a member of the committee.

Mr. Newbore noted that SWPAC did not make a recommendation on the ordinance because of a tie vote. Mr. Newbore added that the impact of the ordinance was to discourage additional private money into limited use landfills.

Councilor Kirkpatrick asked what the impact would be on delaying a decision. Mr. Durig responded that they wanted to institute the rates in January of 1984 and because the ordinance was an emergency ordinance, they could make a decision any time before January 1 and meet the effective date goal. He said if they were to restudy the rate structure, a major issue which needed to be addressed was the established policy of spreading the solid waste disposal costs regionwide.

Councilor Waker said he needed to know more about how Killingsworth functioned with Metro before he could agree to any changes. Mr. Newbore responded that they set their own rates with the added transfer and user fees imposed by Metro, and that they charged on a yardage basis as opposed to a tonnage basis. He said the Rate Review Committee reviewed their rates and that they had met the guidelines set by that committee.

Mr. Spencer said if they were able to maintain their same volume under the new rates, they would have to charge \$80,000 more to the haulers. He said they believed their volume would go down if their rates increased.

Motion: Councilor Deines moved to table the discussion on the ordinance until November 22, 1983. Councilor Waker seconded the motion.

Councilor Kelley suggested that members of the Council who did not sit on the Services Committee be briefed on the background of the rate policies.

Vote: The vote on the motion to table discussion until November 22, 1983 resulted in:

Ayes: Councilors Banzer, Deines, Etlinger, Hansen, Kelley, Kirkpatrick, Van Bergen, and Waker.

Nays: None.

Absent: Councilors Bonner, Kafoury, Oleson, and Williamson.

Motion carried.

7.2 Consideration of Ordinance No. 83-164, for the purpose of amending the FY 1983-84 Budget and Appropriations Schedule, and amending Ordinance No. 83-153. (First Reading).

Councilor Kirkpatrick reported that the Council Coordinating Committee recommended adoption of the ordinance.

Motion: Councilor Kirkpatrick moved adoption of Ordinance No. 83-164. Councilor Deines seconded the motion.

The ordinance was a first time, by title only.

There was no Council discussion or public testimony.

The ordinance was passed to second reading on November 3, 1983.

8.1 Consideration of Contract for the Design, Production, and Installation of Exhibit Modules for the Zoo's Elephant Museum.

Councilor Kirkpatrick reported that the Council Coordinating Committee recommended approval of the contract.

Motion: Councilor Kirkpatrick moved approval of a contract to All West Display in the amount of \$102,500 to design, produce and install exhibit modules for the Zoo's Elephant Museum. Councilor Deines seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Deines, Hansen, Kelley, Kirkpatrick, Van Bergen, and Waker.

Nays: None.

Absent: Councilors Bonner, Etlinger, Kafoury, Oleson, and Williamson.

Motion carried.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Deines, Etlinger, Hansen, Kelley, Kirkpatrick, Van Bergen, and Waker.

Nays: None.

Absent: Councilors Bonner, Kafoury, Oleson, 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. (Second Reading)

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

Councilor Hansen reported that the Services Committee had met on October 12 to consider proposed language in the rate ordinance which would waive minimum charges for those bringing in recyclables to CTCR and St. Johns. He said the Committee recommended that the Council include the waiver for the public in the 1984 rate ordinance, provided that one-half cubic yard of acceptable material is recycled. He said the ordinance also proposed to reduce the base disposal rate from \$10.33 to \$9.70 per ton which included the increase for the wash rack at CTCR.

Dan Durig, Solid Waste Director, distributed copies of an amended ordinance reflecting the Services Committee recommendations (attached to the agenda of the meeting).

Councilor Etlinger asked if the waiver could apply to the franchised sites also. Mr. Durig responded that during rate review of the franchised sites, the policy could be instituted.

Councilor Deines said Metro operated sites would probably lose money or have to spread the cost of instituting the waiver and that they may not want to impose such a waiver on privately operated sites.

Councilor Hansen said if it was successful at Metro operated landfills, the private operators might be willing to take a look at it.

Councilor Van Bergen asked if there were many private landfills franchised by Metro. Mr. Durig responded that most were out of

Metro's boundaries and not franchised, and that Killingsworth Fast Disposal was the primary landfill franchised by Metro.

Presiding Officer Banzer noted that there were two motions on the floor: 1) to adopt the ordinance, and 2) to amend the ordinance by deleting 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.

Motion to substitute:

Councilor Hansen moved to substitute the motion to amend with the following:

- 1) That the last two sentences of Section 1(b) and Section 2(d) be amended to read as follows:

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.

- 2) To change the base disposal rate from \$10.33 to \$9.70.

Councilor Kirkpatrick seconded the motion.

Presiding Officer Banzer then opened the meeting to public testimony.

Gary Newbore and John Spencer, Killingsworth Fast Disposal, P.O. Box 3320, Portland, 97206, testified in opposition to the proposed rates. Mr. Newbore said they felt the rates were inequitable. He said by lowering the base fee at CTRC and St. Johns and raising the transfer fee, the effect would be to raise their price while lowering the price at St. Johns. He said St. Johns was in direct competition with them and the proposed rate structure would cause the diversion of flow from their landfill to St. Johns. He said if Metro wanted to prolong the life of St. Johns, they should be encouraging less flow to St. Johns. They asked that a vote on the ordinance be delayed until they had had a chance to work with the staff and the Executive Officer on alternatives.

Councilor Deines agreed that it was important to prolong the life of St. Johns and that the rates needed to be studied further as to their impact on Killingsworth Fast Disposal.

8.2 Status Report on Disadvantaged Business Program.

Councilor Hansen reported that the MBE Subcommittee had completed its work and staff was preparing a report for the Council Coordinating Committee meeting on November 14. He said first reading of the ordinance would occur on November 22 with adoption scheduled for December 22.

8.3 Status Report on Affirmative Action Policy.

Councilor Kirkpatrick reported that the Affirmative Action Policy would be presented to the Council Coordinating Committee on November 14, with first reading on November 22 and adoption scheduled for December 22.

8.3 Status Report on Recycling.

Councilor Etlinger reported on activities of the Recycling Subcommittee and said that by the end of the year they hoped to present the Council with three options on Recycling.

9. Committee Reports.

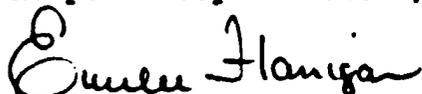
Councilor Kirkpatrick reported on the Council Coordinating Committee's Metro role and mission discussion.

Councilor Hansen reported on the Special Services Committee meeting held to discuss the Washington County Transfer Station. He said the Committee would probably hold another special meeting to continue discussion of the transfer station.

Councilor Kelley noted that the Project Initiatives Program Drainage Report would be reviewed at the November 7 Development Committee meeting.

There being no further business, the meeting adjourned at 9:05 p.m.

Respectfully submitted,



Everlee Flanigan
Clerk of the Council