

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

August 23, 1984

Councilors Present: Councilors Banzer, Bonner, Cooper, Hansen, Kelley, Oleson, Van Bergen, Waker, Williamson and Kirkpatrick

Councilors Absent: Councilors Deines and Kafoury

Also Present: Executive Officer Rick Gustafson

Staff Present: Don Carlson, Eleanore Baxendale, Dan Durig, McKay Rich, Warren Iliff, Bob Porter, Ed Stuhr, Mary Jane Aman, Doug Drennen, Sonnie Russill, Andy Cotugno, Dennis Mulvihill, Phil Fell, Art Andrews, Dick Karnuth and Jennifer Sims

A regular meeting of the Council was called to order by Presiding Officer Kirkpatrick at 5:30 p.m.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Gustafson and the Council presented a series of photographs to Warren and Ghislaine Iliff depicting the major capital construction achievements while Mr. Iliff served as Zoo Director. Presiding Officer Kirkpatrick thanked Mr. Iliff for his outstanding work and said he would be missed in Portland.

The Executive Officer announced he had signed a \$14,000 contract to allow for major repairs to the Zoo's diesel train engine. He said Legal Counsel had determined this contract was exempt from Council approval because of the emergency nature of the work. Much revenue would have been lost if the contract were delayed, he said.

Executive Officer Gustafson reported staff had received proposals from prospective consultants to assist in the search for a new Zoo Director. He expected to select a consulting firm by August 24, 1984.

The Executive Officer also reported that requests for proposals had been prepared, with Councilor Van Bergen's assistance, and sent out to prospective exclusive agents to explore the options for Metro office space. Completed proposals are due back August 31, 1984, he said, and Metro's current lease will expire in two years.

The Executive Officer said meetings with citizen groups about Metro's funding options have been going very well. When the meetings are complete, he will consider all comments received and will prepare recommendations for a legislative program on Metro financing for the Council's review. This would be presented at the September 13, 1984, Council meeting, he said. He reported the program would contain four key elements: 1) renewal of dues from local governments; 2) a proposal to seek state-shared revenues through the cigarette tax; 3) authorization to assess fees for services provided by Metro for general government purposes; and 4) removing or replacing the tax base requirement with a simple vote requirement for Metro-provided services. The Council will be asked to adopt the plan on September 25 so that the Legislative Interim Committee will have a formal Metro position for their deliberations on September 28, 1984.

Executive Officer Gustafson announced Metro had been served with a law suit from Krypton Industries, a subcontractor on the Zoo's Alaskan Tundra Project. Eleanore Baxendale said Krypton had also filed suit against the project's general contractor and the bonding company, alleging they had not been paid for the work they had actually performed and for the work they had expected to perform under their original subcontract. Ms. Baxendale explained their claim against Metro was not based on a breach of contract terms but rather, on the assumption that Metro has already received the benefit of the work they performed. Krypton is seeking about \$105,000, she said.

The Executive Officer said some Councilors might receive calls from various labor representatives as a result of a second meeting between labor and management about the Zoo union contract. He requested Councilors refer inquiries to Don Carlson, Metro's chief negotiator.

Finally, Executive Officer Gustafson introduced Resolution No. 84-494, for the purpose of naming the Zoo's Sculpture Garden in honor of Warren Iliff. He said the Zoo staff had originated this idea and they would like to make a presentation to Mr. Iliff at their party for him the next evening. He requested the Council adopt the resolution. Presiding Officer Kirkpatrick said Mr. Iliff would be returning to Portland late in September for a ceremony officially naming the Garden in his honor.

Motion: Councilor Kelley moved for adoption of Resolution No. 84-494. Councilor Waker seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Bonner, Cooper, Hansen, Kelley, Van Bergen, Waker, Williamson and Kirkpatrick

Absent: Councilors Banzer, Daines, Kafoury and Oleson

The motion carried and the Resolution was adopted.

6. CONSENT AGENDA

Presiding Officer Kirkpatrick said consideration of contracts for workers' compensation and employee health benefits were being removed from the consent agenda for discussion later in the meeting. She asked for a motion to approve the remaining consent agenda.

Motion: Councilor Waker moved to approve the consent agenda, excluding item 6.2. Councilor Bonner seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Bonner, Cooper, Hansen, Kelley, Van Bergen, Waker, Williamson and Kirkpatrick

Absent: Councilors Banzer, Deines, Kafoury and Oleson

The motion carried and the consent agenda, excluding item 6.2, was approved.

6.2 Consideration of contracts for worker's compensation and employee health benefits

Jennifer Sims introduced Resolution No. 84-495, for the purpose of exempting certain employer benefit insurance policies from competitive bidding. Also before the Council was the issue of approving three employee benefit contracts with Great West Insurance, Kaiser and the SAIF Corporation. She explained when these contract documents were being prepared, they were exempt from competitive bidding under the old contract rules. However, when revisions to the contract rules were adopted per Ordinance No. 84-175, exemptions for insurance contracts from public bidding were more narrowly defined and excluded the contracts now before the Council.

Motion: Councilor Waker moved to adopt Resolution No. 84-495, exempting certain employee benefit insurance policies from competitive bidding. Councilor Bonner seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Bonner, Cooper, Hansen, Kelley, Waker, Williamson and Kirkpatrick

Nay: Councilor Van Bergen

Absent: Councilors Banzer, Deines, Kafoury and Oleson

The motion carried and Resolution No. 84-495 was adopted.

Motion: Councilor Waker moved to approve the contracts for workers' compensation and employee health insurance benefits. Councilor Williamson seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Bonner, Cooper, Hansen, Kelley, Waker, Williamson and Kirkpatrick

Nay: Councilor Van Bergen

Absent: Councilors Banzer, Deines, Kafoury and Oleson

The motion carried and the three contracts were approved.

## 7. ORDINANCES

### 7.1 Consideration of Ordinance No. 84-177, for the purpose of amending Ordinance No. 84-172, transferring appropriations from General Fund Contingency to the Finance and Administration Department (Second Reading)

The Clerk read the Ordinance by title only. There was no public testimony.

Vote: The vote on the motion to adopt Ordinance No. 84-177, made by Councilors Williamson and Kelley on August 9, 1984, resulted in:

Ayes: Councilors Bonner, Cooper, Hansen, Kelley, Van Bergen, Waker, Williamson and Kirkpatrick

Absent: Councilors Banzer, Deines, Kafoury and Oleson

The motion carried and Ordinance No. 84-177 was adopted.

## 8. RESOLUTIONS

### 8.1 Consideration of Resolution No. 84-483, for the purpose of adopting Solid Waste Disposal Rate Policies

Dan Durig circulated material which summarized staff's methods for determining regional disposal rates and he explained this material to the Council. Mr. Durig also said the amendment to the Resolution, as proposed by Councilors Hansen and Kelley on August 9, 1984, was a good idea because disposal rate policies will continue to change and they should be evaluated annually.

Motion: Councilor Kelley moved for adoption of Resolution No. 84-483. Councilor Hansen seconded the motion.

Presiding Officer Kirkpatrick explained the Resolution before the Council included amendments proposed by both Councilors Deines (changing the language of item 5) and Kelley (adding an item 7) at the August 9, 1984, Council Meeting.

Councilor Bonner requested consideration of the Resolution be postponed until September 13, 1984, at which time the subject of convenience charges could be thoroughly addressed.

Motion: Councilor Bonner moved to amend the language of item 5 of the proposed Resolution to that originally submitted by staff on August 9, 1984. Councilor Williamson seconded the motion.

Councilor Hansen said Councilor Deines, who had originally proposed to amend item 5, would have a chance to change policy when the rates are next due for Council review.

Vote: The vote on the motion resulted in:

Ayes: Councilors Bonner, Cooper, Hansen, Kelley, Van Bergen, Waker, Williamson and Kirkpatrick

Absent: Councilors Banzer, Deines, Kafoury and Oleson

The motion carried to amend the resolution.

Vote: The vote on the main motion, as amended, resulted in:

Ayes: Councilors Bonner, Cooper, Hansen, Kelley, Van Bergen, Waker, Williamson and Kirkpatrick

Absent: Councilors Banzer, Deines, Kafoury and Oleson

The motion carried and Resolution No. 84-483 was adopted as amended.

8.2 Consideration of Resolution No. 84-491, for the purpose of establishing an interim management strategy for the St. Johns Landfill, the region's only general purpose sanitary landfill

Mr. Durig discussed the "Summary Matrix - Landfill Management Strategy" included in the agenda materials which graphically listed 14 alternatives for interim management of solid waste before another general purpose landfill is opened. Mr. Durig explained these 14 alternatives could be divided into three general categories: 1) divert nonputrescible waste to limited purpose landfills; 2) divert putrescible waste to general purpose landfills; and 3) expand St. Johns landfill.

Mr. Durig reported SWPAC had an excellent discussion about staff's proposed management strategy that represented a broad range of opinions. He said SWPAC supported the concept of looking outside the region to site a landfill; they were willing to explore the concept of some expansion of St. Johns; they wanted Resolution No. 84-491 to state that recycling would be an important part of the interim management strategy; they expressed some concern about using the rate structure as an economic incentive to divert nonputrescible waste to limited purpose sites. They questioned whether the time and effort required to make this sort of change

would actually result in a dramatic shift of waste being diverted to other landfills. They also thought this change would result in higher disposal rates for residential customers who generate most of the putrescible waste.

Mr. Joe W. Cancilla, Jr., representing the Portland Association of Sanitary Service Operators (PASSO), P.O. Box 66193, Portland, requested Metro consider the following suggestions for an interim landfill strategy: 1) expand St. Johns vertically 15 feet and possibly horizontally three to five acres; 2) heavily encourage recycling in the region; 3) arrange to have transfer loads from CTCRC directed to outlying landfills, such as McMinnville or Woodburn; 4) extend operation hours at area dry fills and have the private landfills reduce dump costs on dropbox "fluff loads"; and 5) EQC and DEQ should work cooperatively in an effort to site additional dry fills in the region.

Ms. Delyn Kies, Solid Waste Director for the Bureau of Environmental Services, City of Portland, 1120 S.W. 5th Avenue, Portland, circulated a memo from City Commissioner Mike Lindberg's office to the Council. She said the City Bureau's Solid Waste Advisory Committee had reviewed staff's recommendations and agreed an interim landfill strategy was necessary. However, she said there was extreme concern about the lack of public involvement in developing an interim plan. Ms. Kies said Commissioner Lindberg wanted to remind the Council that an extensive public participation process must occur before a St. Johns extension request can be brought before the City Council. Other items that should be considered, as outlined in the memo, were emphasis on recycling, extending hours of operation of limited use landfills and citing other such landfills, and pursuing permission from other general purpose landfills to accept waste.

Mr. Mike Burton, 6437 North Fiske, Portland, said he was representing the North Portland Citizens' Committee. Mr. Burton testified that since Metro assumed operation of the St. Johns Landfill, he had seen considerable improvement in citizens' attitudes about the facility because the landfill was much cleaner and more efficiently operated. He said the area residents realize the landfill site will be an important community resource when the facility is closed and therefore, any interim strategy should take end use into careful consideration. He also said North Portland residents need to be involved in discussions about future use and he urged the Council to follow Commissioner Lindberg's recommendations about citizen involvement.

Motion: Councilor Cooper moved for adoption of Resolution No. 84-491. Councilor Williamson seconded the motion.

Presiding Officer Kirkpatrick summarized three issues before the Council: 1) change in rate structure for limited use landfills may not result in satisfactory diversion and other alternatives should be examined; 2) recycling should be included in the interim strategy; and 3) more citizen involvement is needed.

Councilor Hansen said he did not think it wise to approach citizens with a single proposal for extending St. Johns. He proposed to amend the Resolution to insure ample citizen input and to expand the number of options for an interim strategy.

Motion: Councilor Hansen moved to amend item 3 of the Resolution to read: "Metro will consult with the City of Portland, the Department of Environmental Quality and the residents of North Portland to develop a process of assessing future development of the St. Johns Landfill to correspond with the opening of the next general purpose regional landfill." Councilor Williamson seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Bonner, Cooper, Hansen, Kelley, Oleson, Van Bergen, Waker, Williamson and Kirkpatrick

Absent: Councilors Banzer, Deines and Kafoury

The motion to amend the Resolution passed.

Councilor Waker said he did not think extending St. Johns was a real solution to the region's problem. He thought Metro's time would be better spent in building a case and going before the State Legislature to request authority to proceed with siting a landfill at Wildwood.

Presiding Officer Kirkpatrick said Councilor Waker's comment was valid and Council had an understanding with staff that such legislation would be drafted. However, she also thought the majority of the Council wanted to explore other solutions in case Wildwood was not sited in a timely manner.

Executive Officer Gustafson added that a discussion of alternatives will become very important when Metro takes its case to the State Legislature. He was certain the question would then arise about whether the region was in the state of an emergency. He said we would then need to demonstrate we no longer had the ability to extend St. Johns past a certain date and that there were no other suitable alternatives available.

Councilor Bonner said he appreciated staff's efforts in preparing the matrix chart and thought this graphic would clearly demonstrate to all parties involved the complexity of the issues and the decisions that must be made. He then made three recommendations: 1) the Council refer back to SWPAC the issue of diverting waste to limited use landfills and that SWPAC recommend a solution that could be in force by January 1, 1985; 2) provisions of item 2 of the Resolution be implemented; and 3) staff amend the Resolution to address the recycling issue. Presiding Officer Kirkpatrick

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asked Councilor Bonner if he would move postponement of consideration of the Resolution in order for the above concerns to be addressed.

Motion: Councilor Bonner moved that consideration of Resolution No. 84-491 be postponed to September 13, 1984. Councilor Kelley seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Bonner, Cooper, Hansen, Kelley, Oleson and Kirkpatrick

Nays: Councilors Van Bergen, Waker and Williamson

Absent: Councilors Banzer, Deines and Kafoury

The motion to postpone consideration of the Resolution to September 13, 1984, carried.

8.3 Consideration of Resolution No. 84-486, for the purpose of amending the FY 83 Unified Work Program and approving in concept the development of the Oregon City Transit Center

Mr. Tom Vanderzanden, 902 Abernathy Road, Oregon City, spoke on behalf of the proposed Resolution and addressed Councilor Kelley's concerns about the location and cost of the project.

Motion: Councilor Williamson moved to adopt Resolution No. 84-486. Councilor Bonner seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Bonner, Cooper, Oleson, Van Bergen, Waker, Williamson and Kirkpatrick

Nay: Councilor Kelley

Absent: Councilors Banzer, Deines, Hansen and Kafoury

The motion carried and Resolution No. 84-486 was adopted.

Presiding Officer Kirkpatrick called for a recess of the Regular Council Meeting at 7:10 p.m. so the Council could convene to another room for an Executive Session.

EXECUTIVE SESSION

An Executive Session of the Council was called to order by Presiding Officer Kirkpatrick at 7:15 p.m. under the authority of ORS 192.660(1)(h) for informational purposes only. Present were Councilors Banzer, Bonner, Cooper, Hansen, Kelley, Oleson, Van Bergen, Waker, Williamson and Kirkpatrick.



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Presiding Officer Kirkpatrick reconvened the Regular Meeting of the Council at 7:50 p.m.

8.4 Consideration of Resolution No. 84-489, for the purpose of recommending a continuance of Happy Valley's request for acknowledgement of compliance with LCDC goals

Ms. Jill Hinckley outlined the basis for the request for a continuance and Metro's role in resolving the impasse between the City of Happy Valley and LCDC. The City and the Department of Land Conservation and Development have agreed to negotiate resolution of the impasse on housing density with the assistance of Metro, she said. The agreement outlining the work program was circulated to the Council.

Councilor Oleson said he was not opposed to Metro's role but wants assurances that other interest groups will be involved. Ms. Hinckley assured the Council that all interested parties will be given the opportunity to review the plan.

Mr. Robert Price of David Evans & Associates, 2626 S.W. Corbett, Portland, planning consultant for the City of Happy Valley, said the staff report prepared by Metro raised a couple of new issues. His staff is working to resolve those issues and he was confident they would be resolved to everyone's satisfaction.

Mr. Jim Carskadon, City Attorney for Happy Valley, said the City agreed with how Metro has addressed Goal 10. He also thought Metro intervention would be helpful, especially in meeting with all the interested parties. He thought the Council should continue to urge Metro staff to work with the Department and the City on this issue.

Ms. Diane Quick, Happy Valley City Council member, complimented Ms. Hinckley on the good assistance she had provided the City and read a letter to Ms. Hinckley from Mayor Jim Robnett regarding the City's willingness to work with Metro and DLCD in resolving the issue of Goal 10.

Mr. Terry Morgan, 16325 S.W. Boones Ferry Road, Lake Oswego, who represents four Happy Valley land owners who object to the plan, wanted a clear direction from the Council to Metro staff that objectors will have input in resolving the issue.

Presiding Officer Kirkpatrick said Mr. Morgan and Councilor Oleson shared the same concern and she gave her assurances that all parties would have an opportunity to participate.

Mr. Charles Hales, 15555 S.W. Bangy Road, Lake Oswego, of the Homebuilders Association, said there was a good possibility of a breakthrough in resolving the plan and he thought Metro should take the role of facilitator in this effort. He also thought everyone should be allowed to participate.

Motion: Councilor Kelley moved adoption of Resolution No. 84-489. Councilor Van Bergen seconded the motion.

Motion: Councilor Bonner moved to amend the main motion by modifying Section 2 of the Resolution to relate specifically to Goal 10. Councilor Hansen seconded the motion.

Councilor Van Bergen asked whether the Agreement should be part of the Resolution. Ms. Hinckley responded that the Agreement was a first step regarding staff's involvement and would not require Council action.

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

Ayes: Councilors Banzer, Bonner, Cooper, Hansen, Kelley, Oleson, Waker and Kirkpatrick

Nays: Councilors Van Bergen and Williamson

Absent: Councilors Deines and Kafoury

The motion to amend the main motion carried.

Vote: The vote on the main motion, as amended, resulted in:

Ayes: Councilors Banzer, Bonner, Cooper, Hansen, Kelley, Oleson, Van Bergen, Waker, Williamson and Kirkpatrick

Absent: Councilors Deines and Kafoury

The motion carried and Resolution No. 84-489 was adopted as amended.

8.5 Consideration of Resolution No. 84-492, for the purpose of adopting the goals and objectives of the Affirmative Action Plan as the approved goals for fiscal year 1984-85

Ms. Jennifer Sims presented background information about Metro's affirmative action goals for women and minorities. She explained the 1983-84 goal to achieve parity for women was 58% and Metro attained 47%. Parity was achieved for minorities by exceeding the goal .4%, she said. She referred the Council to Exhibit "A" of the Resolution, explaining this year's goals have a different data base and job categories.

Motion: Councilor Hansen moved Resolution No. 84-493 be adopted. Councilor Kelley seconded the motion.

Councilor Waker thought the proposed Resolution might result in reverse descrimination if women and minorities were hired in excess of the goals. He also thought the Resolution should more clearly define that Metro had a goal of achieving parity with the regional workforce. He suggested the word "regional" be inserted between

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"with" and "workforce" at the bottom of the second page of Exhibit "A" of the proposed Resolution. Councilors Hansen and Kelley agreed to incorporate these amendments into their motion, there being no objection from other Councilors.

Vote: The vote on the motion to adopt the Resolution, as amended, resulted in:

Ayes: Councilors Banzer, Bonner, Cooper, Hansen, Kelley, Van Bergen, Waker, Williamson and Kirkpatrick

Absent: Councilors Deines, Kafoury and Oleson

The motion carried and Resolution No. 84-492 was adopted as amended.

8.6 Consideration of Resolution No. 84-493, for the purpose of adding E. Andrew Jordan to the approved list of hearings officers

Motion: Councilor moved for adoption of Resolution No. 84-493. Councilor Kelley seconded the motion.

Councilor Williamson inquired how cases for assigned to the different hearings officers. Ms. Eleanore Baxendale responded that key staff assigned cases to officers that had appropriate backgrounds to hear those cases. Although different types of cases are heard, most deal with the subject of land use, she said.

Councilor Van Bergen said if staff were involved in selecting officers to hear cases, they should not be in the position of recommending who is appointed. He did not think other agencies operated this way.

Councilor Williamson suggested that names of qualified officers could be placed on a list and as cases arise, officers would be assigned in the same order they are listed. Councilor Van Bergen thought this was only a partial solution to the problem.

Ms. Baxendale said she would consider these concerns, research the matter and report back to the Council about the process of selecting hearings officers for cases.

Vote: A vote on the motion to adopt the Resolution resulted in:

Ayes: Councilors Banzer, Bonner, Cooper, Hansen, Kelley, Van Bergen, Waker, Williamson and Kirkpatrick

Absent: Councilors Deines, Kafoury and Oleson

The motion carried and the Resolution was adopted.

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EXECUTIVE SESSION

Presiding Officer Kirkpatrick called the meeting into Executive Session at 9:00 p.m. under the authority of ORS 192.660(1)(h). Councilors present were Hansen, Waker, Kirkpatrick, Bonner, Kelley, Van Bergen and Williamson.

There being no further business, Presiding Officer Kirkpatrick adjourned the meeting at 9:30 p.m.

Respectfully submitted,



A. Marie Nelson  
Clerk of the Council