

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

March 28, 1985

Councilors Present: Councilors DeJardin, Gardner, Hansen,
Kirkpatrick, Kafoury, Kelley, Myers, Van Bergen,
Waker and Bonner

Councilors Absent: Councilors Cooper and Oleson

Also Present: Rick Gustafson, Executive Officer

Staff Present: Don Carlson, Eleanore Baxendale, Dan Durig, Doug
Drennen, Buff Winn, Peg Henwood, Mary Jane Aman,
Norm Weitting, Wayne Rifer, Jill Hinckley,
Phillip Fell, Ed Stuhr, Richard Brandman, Ray
Rich, Gene Leo, Ray Barker

Chairman Bonner called the meeting to order at 5:30 p.m.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Report of the Telecommunications Working Group. Executive Officer Gustafson invited Richard Brandman to present a report summary on conclusions and recommendations of the Telecommunications Working Group. The group was formed to provide advice to Metro and local transportation providers regarding the potential for telecommuting to occur in the region by the year 2005. He explained it would cost about \$10,000 to continue the efforts of the Working Group and Metro could coordinate these efforts.

Presiding Officer Bonner asked what would be accomplished for \$10,000. Mr. Brandman said the first three tasks of the proposed work program could be completed: 1) identifying regional issues; 2) identifying essential elements of the regional telecommunications infrastructure; and 3) identifying telecommunications issues which cross jurisdictional boundaries.

Ed Morrison, Oregon Public Utilities Commission, Telecommunications Division, thanked Metro for providing a forum for jurisdictions to

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discuss these issues. He said it would be important for this forum to continue to test out solutions for the problems identified.

Councilor DeJardin asked when the Group would address communication networks with Salem, Eugene and Central Oregon. Mr. Morrison explained Senator Otto and Representative Shiprack had asked the group to examine the Portland metropolitan area problem. Other Oregon areas would be examined five to ten years later, he said.

A discussion followed about funding the \$10,000 project. Councilor Van Bergen thought the Group should investigate whether funds collected for cable franchise fees by local governments could be allocated to the project.

Councilor Kirkpatrick said she agreed the work program was important but was concerned the proposed budget would not provide enough funds to do a thorough job and encouraged matching government funds with private funds. She was also concerned that the project had not been reviewed by the Intergovernmental Resource Committee and funded through the regular budget process.

Councilor Gardner asked for examples of the problems the Group would work to resolve. Mr. Brandman explained, for example, cable television franchise agreements included provisions for transmitting business data. These agreements, however, did not require cable networks to be compatible which prohibited telecommuting between some local areas.

Councilor Waker asked how the public would benefit from the proposed investment. Mr. Brandman said better telecommunication networks would encourage development of new business and would improve efficiency of existing businesses. The cost of doing business in the area would also decrease, he explained.

Presiding Officer Bonner thought the Group should approach its work program with a wider vision and the project should be funded at a higher level. The Executive Officer explained he had not proposed funding the project in FY 1985-86. The Council could, however, identify and approve funds.

Alaska Tundra Project Litigation. Eleanore Baxendale circulated correspondence from Andrew Jordan explaining the current status of litigation. She said the claim was recently revised to increase the amount of the claim and to include an additional surety company. A motion was currently before the court to consolidate a subcontractors claim with the main claim. Because no action had been taken on these matters, she had no new information to report.

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Legislative Update. The Executive Officer reported he, Councilors Waker and Myers, and Carl Halvorson met with Governor Atiyeh to encourage the Governor's support of HB 2037 regarding local government dues extension. He also reported the House Intergovernmental Affairs Committee scheduled a public hearing at the Portland Building on April 2 to receive testimony on the three bills regarding Metro's organizational structure (making the Executive Officer the 13th member of the Council; granting Metro the authority to create commissions; and authorizing the Executive Officer to appoint the Tri-Met Board).

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Judy Dehen, 2965 N.W. Verde Vista Terrace, Portland, Oregon, representing the Columbia Group of the Sierra Club, said she had received a copy of a memo from Dennis Mulvihill dated March 14, 1985, regarding the Sierra Club, Jack Dingman, organic bioconversion and composting. The memo referred to misleading statements made by the Club regarding the Executive Officer and Mr. Mulvihill's approval of Mr. Dingman's composting system. Ms. Dehen said when she left the meeting regarding the composting system, she thought Metro was supportive of the program and was suprised a misunderstanding had resulted.

Ms. Dehen also discussed Metro's complaint about not getting a satisfactory response to requests from Mr. Dingman. She thought reasons for a lack of response could have been because he did not think staff were seriously interested in his program or because he had already targeted other, more promising markets. She emphasized Mr. Dingman's company was not the only provider of the service and if staff were interested in this alternative or other alternative processes, there were plenty of firms with which to make contact.

Ms. Dehen said she wanted to work as a team with Metro in developing alternatives to landfill disposal and wanted to be kept informed about progress in pursuing these alternatives. The Presiding Officer said she would be kept informed and welcomed her participation.

Miles Stanley addressed the Council about alternative waste recovery systems. He encouraged this mode of solid waste management due to increasing markets for recyclables. He distributed material to the Council which explained his proposal in more detail and invited the Council to contact him, via Dennis Mulvihill, if they had questions about this proposal.

6. CONSENT AGENDA

Motion: Councilor Kafoury moved adoption of the Consent Agenda. Councilor Van Bergen seconded the motion.

Councilor Kirkpatrick noted on March 21, the Council Management Committee recommended adding one item to the Development Officer's list of typical duties: requiring the Development Officer to assist the Zoo Director in in fund-raising efforts for the Friends of the Zoo. The job description distributed to the Council did not reflect that recommendation, she said. She also asked that Committee recommendations be included in future staff reports.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Kirkpatrick, Kafoury, Kelley, Myers, Van Bergen, Waker and Bonner

Absent: Councilors Cooper, Hansen and Oleson

The motion carried and the following items were adopted or approved:

Minutes of the Meetings of February 28 and March 7, 1985

Resolution No. 85-555, Adding Chris Thomas to the Approved List of Hearings Officers

Appointment of a Zoo Development Officer

A New Position Request by the Zoo for a Program Coordinator for the Purpose of Offering an Expanded Naturalist Program to the Public

Adding One Half-time Program Assistant 1 (Working Title: Graphics Technician) Position to the Zoo's Educational Services Division

7. ORDINANCES

7.1 Consideration of Ordinance No. 85-187, for the Purpose of Adopting a Final Order and Amending the Metro Urban Growth Boundary in Contested Case No. 83-1 (First Reading)

The Clerk read the Ordinance by title only.

Motion: Councilor Kafoury moved the Ordinance be adopted and Councilor Kelley seconded the motion.

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Jill Hinckley reported the city of Gresham and Multnomah County supported this action. No one spoke against the action and the Hearings Officer recommended approval, she said. Because there was no opposition to the case, public testimony was not received at this meeting.

The Presiding Officer announced a second reading of the Ordinance would take place April 11, 1985.

8. RESOLUTIONS

8.1 Consideration of Resolution No. 85-545, for the Purpose of Adopting a Council Position on Proposed Legislation Modifying State Landfill Siting Authority

Phillip Fell explained Resolutions No. 545 and 554 were brought to the Council at its request. Resolution No. 545 was worded to address the general principles by which landfills should be sited, and Resolution No. 85-554 specifically addressed Metro's position regarding SB 662. There was no discussion regarding Resolution No. 85-545.

Motion: Councilor Kafoury moved to adopt Resolution No. 85-545 and Councilor Waker seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Kirkpatrick, Myers, Van Bergen, Waker and Bonner

Nays: Councilor Kelley

Absebt: Councilors Cooper, Hansen and Oleson

The motion carried and the Resolution was adopted.

8.2 Consideration of Resolution No. 85-554, for the Purpose of Adopting a Council Position on Senate Bill 662, Modifying State Landfill Siting Authority

Motion: Councilor Gardner moved to adopted Resolution No. 85-554 and Councilor Kelley seconded the motion.

Councilor Kafoury said she could not support the Resolution because she had not read SB 662. Councilor Kirkpatrick said she was concerned about the bill's incorrectly worded provision for a 50¢ surcharge and because she had not seen the latest draft, she was reluctant to support the Resolution.

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Mr. Fell explained several changes had recently been made to the bill: 1) counties would be allowed to consider statewide goals but not local comprehensive plans in siting landfills; 2) if counties failed to recommend a landfill site, they could not later appeal an EQC site selection; and 3) the bill now read, "that area in Multnomah County situated west of Interstate Highway 5 between the Willamette and Columbia Rivers."

Withdrawal of Motion: Councilors Gardner and Kelley agreed to withdraw their motion until the Council could examine the latest draft of the bill.

Councilor Myers urged the Council to reconsider their position on SB 662 in order to assist Representative Burton in preparing his amendments. He asked for reconsideration at the April 11 Council meeting.

Mr. Fell explained staff and Counsel were preparing responses to SB 662 and many issues had not been satisfactorily addressed. He said he could bring back a Resolution for consideration on April 11 if all staff's questions were answered before that date. Presiding Officer Bonner agreed the Council would reconsider the Resolution at the April 11 meeting.

8.3 Consideration of Resolution No. 85-556, for the Purpose of Adopting a Council Position on Proposed Legislation: HB 2038, Making the Executive Officer the 13th Member of the Council; and HB 2427, Executive Officer to be Appointed by the Council

Motion: Councilor Kirkpatrick moved the Resolution be adopted and Councilor Kafoury seconded the motion.

Ray Barker noted HB 2427 had been erroneously referred to as HB 2027 in the resolution and staff report.

Presiding Officer Bonner questioned whether the Council should approve the Resolution because he did not know whether the Metropolitan Citizens League, City Club or Columbia Willamette Futures study groups were actually carrying out studies on these issues. He thought the Council should take a position independent of other studies.

Councilor Kirkpatrick said she understood the City Club and the Citizens League were still involved in studies related to the Council's structure. Don Carlson confirmed a Citizens League study was in progress. Councilor DeJardin suggested staff check with the three groups regarding actual status of their studies.

In response to the Presiding Officer's request to postpone action until the status of studies was known, Councilor Kirkpatrick said the Council needed to take a position before the April 2 House Intergovernmental Affairs Committee public hearing.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Kirkpatrick, Kafoury, Kelley, Myers, Van Bergen, Waker and Bonner

Absent: Councilors Cooper, Hansen and Oleson

The motion carried and the Resolution was adopted.

8.4 Consideration of Resolution No. 85-557, for the Purpose of Authorizing Certain Automobile Leases with McCullagh Leasing, Inc.

Motion: Councilor Van Bergen moved the Resolution be adopted. Councilor Hansen seconded the motion.

There was no discussion about the Resolution.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Myers, Van Bergen, Waker and Bonner

Absent: Councilors Cooper and Oleson

The motion carried and the Resolution was adopted.

9. OTHER BUSINESS

9.1 Consideration of a Contract with the Friends of the Washington Park Zoo

Gene Leo reviewed changes from the previous contract with the Friends: the contract would be automatically reviewed every three years; \$5.00 per membership would be applied to a specific Zoo project to provide more incentive for membership growth; and the contract provided for a strategic planning and priorities process with participation from key Zoo staff and designated Metro Councilors and Friends' Board members to assure common Zoo/Friends development goals.

Motion: Councilor Kafoury moved to approve the contract and Councilor DeJardin seconded the motion.

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Councilor Kafoury said she was very encouraged with the provisions of the new contract, especially those of working toward common Zoo/Friends fund-raising goals.

Grant Stebbner, President of the Friends' Board, and Carol Bailey, Executive Director, reported they were pleased with the contact and looked forward to working with Metro under the revised program.

Councilor Waker questioned why a \$5.00 fee would be donated to the development fund regardless of the class of membership and fee paid for each membership. Mr. Leo responded it was administratively simpler to establish one fee.

In response to Councilor Kelley's question, Mr. Leo explained the Friends' budget was reviewed by the Executive Committee of the Friends' Board of Directors.

Presiding Officer Bonner called at recess at 6:50 p.m. The Council reconvened at 7:00 p.m.

9.2 Consideration of Preferred Option for Development of Methane Gas Resource at the St. Johns Landfill

Motion:

Dan Durig introduced key staff and consultants working on the methane gas development project. Doug Drenned explained the history of the project, how landfill gas was produced and the various ways of treating gas in order to prepare it for market. Buff Winn then reviewed the process for purchasing gas after it was treated.

Ted Briggs of EMCON Associates presented detailed information regarding how markets were evaluated and could be developed. He described the relative advantages and disadvantages of the owner developing markets versus hiring an outside developer to develop them.

Mr. Winn then reviewed a summary of current development options available including Metro-developed for a medium-Btu project, developed by BioGas Technology, Incorporated for a pipeline quality project, and outside developed for a medium-Btu project. Staff recommended the Council approve the second option because Metro would be insulated from any financial liability if problems should occur in recovering, processing or transmitting the gas. Also, BioGas had an ensured market for 100 percent of the gas produced. Because the firm is well respected and established, staff was confident BioGas could honor contractual commitments for the duration of the project.

Motion: Councilor Kirkpatrick moved to select the BioGas Technology, Incorporated proposal as the preferred option and to instruct the Executive Officer to negotiate a contract to implement the project.

George Ward, Portland, Oregon, consulting civil engineer and designer of the Malarkey methane pipeline currently in service, complimented Metro on entering into the project and encouraged use of his technology to stimulate gas production by introducing specially design wells into the landfill.

John Van Bladeren, President, BioGas Technology, Incorporated, Portland, Oregon, discussed his company's history in gas technology and said he looked forward to working with Metro on the new venture.

Delyn Keys, City of Portland, explained she and City employee Gene Apple had recently sent correspondence to the City Council advocating mining of gas from the landfill, assuring the Council a good public process was used, explaining the process for considering the alternatives and recommended the City Council support Metro staff's recommendation. In response to Councilor Hansen's question, she said she was concerned that end use options for St. Johns might be limited as a result of gas development and this would be discussed during the contract negotiations phase of the project.

Brian Lightcap, West Multnomah Soils & Conservation District, testified his district supported the BioGas Technology proposal, saying the technology was consistent with a resolution adopted by an industry convention in November 1984. He also explained the Land Resources Committee of the Soils & Water Conservation Commission was meeting on April 3 and he would make a favorable report to that Committee about Metro's methane gas project. He invited staff and the Council to attend these meetings along with Commission meetings in Salem where interest in Metro's activities was high. Mr. Bonner requested more information about meeting dates so he could forward this information to staff and Councilors.

Councilor Myers declared he would abstain from voting on this action because his law firm performed work for Northwest Natural Gas Company.

Councilor Gardner said he appreciated the thoroughness of information presented to the Council at every phase of the project. He supported staff's recommendation because it presented an excellent financial opportunity for Metro. He did, however, express concern regarding the financial extremes of the two development options.

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Councilor Hansen thanked Doug Drennen for his excellent work on the project and was pleased no negative comments were received at this meeting.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Hansen, Kirkpatrick, Rafoury, Kelley, Van Bergen, Waker and Bonner

Abstain: Councilor Myers

The motion carried and the Executive Officer's recommendation was approved.

10. COMMITTEE REPORTS

Councilor Kelley, member of the Tri-Met Special Needs Task Force, requested Councilors read a progress report prepared by the task force addressing transportation for the handicapped. She said she would have additional reports for review at future meetings and requested Councilors familiarize themselves with these issues because Metro could be approached about funding proposed programs.

There being no further business, Presiding Officer Bonner adjourned the meeting at 8:00 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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