

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

June 27, 1985  
Milwaukie, Oregon

Councilors Present: Councilors Gardner, Hansen, Kirkpatrick, Kelley, Myers, Oleson, Waker and Bonner

Councilors Absent: Councilors Cooper, DeJardin, Kafoury (excused) and Van Bergen

Also Present: Rick Gustafson, Executive Officer

Staff Present: Donald Carlson, Eleanore Baxendale, Jennifer Sims, Steve Siegel, Andy Cotugno, Keith Lawton, Dennis Mulvihill, Norm Wietting, Judy Munro

Presiding Officer Bonner called the meeting of order at 6:05 p.m. and thanked the city of Milwaukie for providing the meeting place.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Roadway Constructors Corporation v. Metropolitan Service District. Eleanore Baxendale reminded the Council that Roadway had requested the Council extend the deadline for submitting prequalification applications for the St. Johns Landfill operations contract. In addition, Roadway advised the Council they thought Metro's prequalification form was illegal and, as such, Roadway should have been allowed to bid on the contract. The Council did not extend the deadline.

Ms. Baxendale reported that on June 18 Roadway filed a complaint in court and sought a temporary restraining order and preliminary injunction to prohibit Metro from proceeding with the prequalification and bid process and to allow Roadway to bid on the project contract. On June 18, the court did not grant the temporary restraining order but did order Metro to give Roadway the construction bid documents. On June 21 a hearing was conducted before Judge Johnson on the preliminary injunctions. Roadway presented virtually the same facts that were presented to the Metro Council on June 13,

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she said. The court did not grant the preliminary injunction. Although the court determined Roadway was not injured by the form, it did find they were inconvenienced by having to complete a form different from the state of Oregon (Department of Transportation) form. For that reason, the Court determined Roadway could bring the suit but declined to grant them a release because they had waited too long to challenge the form.

Ms. Baxendale explained the court had not yet granted a final order. She said she had learned today Roadway would offer additional testimony which would be heard within the next two weeks. The court would then make its determination on the merits. She said the court indicated it would grant Roadway its costs and nominal attorney's fees.

Legislative Update. Executive Officer Gustafson said he would present a detailed report to the Council at the July 11 meeting regarding the 1985 Legislation Session.

**4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS**

None.

**5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS**

Mayor Ronald Kinsella welcomed the Council to the city of Milwaukie. He said the community Council meetings would enhance Metro's credibility and would be an asset in securing local support for important issues.

**6. CONSENT AGENDA**

Motion: Councilor Kelley moved the Consent Agenda be approved and Councilor Kirkpatrick seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Gardner, Kirkpatrick, Kelley, Myers, Oleson, Waker and Bonner

Absent: Councilors Cooper, DeJardin, Hansen, Kafoury and Van Bergen

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

6.1 Minutes of the Meetings of May 23 and June 6, 1985

- 6.2 Resolution No. 85-576, Amending the Transportation Improvement Program to Include an Interstate Bridget Northbound Lift Span Improvement Project
- 6.3 Resolution No. 85-577, Adopting an Interim Special Needs Transportation Plan
- 6.4 Resolution No. 85-579, Amending the Metro Pay and Classification Plans (Facilities Supervisor and Senior Gatehouse Attendant)

7. RESOLUTIONS

7.1 Consideration of Resolution No. 85-578, for the Purpose of Amending the By-Laws of the Solid Waste Policy Alternatives Committee (SWPAC)

Councilor Gardner reported SWPAC was proposed to be reorganized to gain more effective advice from the solid waste industry and citizens. To accomplish the Council's goal of providing citizen participation early in the decision-making process, it was being recommended to increase general citizen representation on SWPAC. In order to maintain the current number of committee members, the number of industry representatives would be reduced, he explained. A new statement of purpose for the committee emphasized the role of citizens on the committee.

Motion: Councilor Gardner moved the adoption of Resolution No. 85-578 and Councilor Kirkpatrick seconded the motion.

Councilor Kirkpatrick added the By-Laws were changed to strengthen the liaison between the Rate Review Committee (RRC) and SWPAC. The amended By-Laws, if adopted, would provide for two citizen members of RRC to be members of SWPAC.

Jack Deines, 2295 S.E. Juniper, Milwaukie, Oregon, testified that solid waste industry representatives on SWPAC should not be decreased in order to add more citizen members. He thought this would be a very expensive means of educating a few citizens about solid waste and would not serve to broaden the general public's knowledge about the issues. SWPAC industry representatives were experienced in solid waste problems and would render better advice to the Council than citizens, he said.

Mr. Deines said he also wanted to address the Council about whether he was getting the best return on his dollar for solid waste services provided by Metro. He explained at a recent SWPAC meeting, Dan Durig reported it cost Metro about \$9.50 to \$10.00 per ton to landfill

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solid waste. Haulers paid an average of \$13.50 per ton to Metro for disposal services. Approximately \$4.00 per ton, or \$3 million a year, was being paid to Metro for current staff, past mistakes and a little bit of product, he said, and because of SB 662, the industry would probably be asked to pay more. He emphasized that support of the solid waste hauling industry was important to Metro, especially as a guaranteed, continued revenue source. However, past actions and the proposed reorganization of SWPAC indicated that Metro was not interested in the industry's support. He urged Metro change its attitude about how it perceived the industry and to not revise the SWPAC By-Laws.

Councilor Waker questioned whether the purpose of SWPAC was to provide technical or political advice to the Council. If technical advice were needed, he agreed with Mr. Deines that general citizens would not provide that type of advice. If political advice were needed, the Council would render that judgment, he said.

Mr. Deines added that each decision about the solid waste program effected the hauling industry. He said it made sense to ask the industry, before decisions were made, about the impact of decisions.

Councilor Oleson thought SWPAC provided both technical and political advice and staff should serve as the best representative in presenting the public's concerns to the Council. He suggested more time be taken to study whether the proposed By-Laws amendments should be implemented.

In response to Presiding Officer Bonner's question, Councilor Gardner said the proposed changes to the By-Laws had been discussed with SWPAC members on two occasions. There was little resistance to the proposed changes, he said, and some members acknowledged SWPAC wasn't having much impact on the Council's decisions. Councilor Gardner thought this lack of influence was because SWPAC was perceived by staff and Councilors to largely represent the voice and viewpoint of the solid waste industry.

In response to Mr. Deines' statement that haulers were Metro's customers, Mr. Gardner thought citizens were Metro's ultimate customers. The collection and disposal industry served as part of the mechanism to provide a service to the citizens. He explained citizens needed a better voice on the committee that helped determine solid waste policy matters. The committee was never intended to be exclusively a technical advisory group, he said, and the proposed reorganization would give SWPAC the balance it was originally intended to have.

Councilor Kelley thought citizens were very interested in the cost of solid waste disposal because it effected them directly. SWPAC would be an excellent forum for citizens to discuss their concerns with the industry and make recommendations to the Council about solutions to solid waste problems.

Mr. Deines responded he thought SWPAC's influence on the Council had suffered largely because of a poor relationship between the committee and Metro staff. Staff often did not agree with SWPAC's advice, he explained.

Presiding Officer Bonner explained the Council wanted citizens to lend judgment and perspective to Metro's legislative process. For example, he said the citizen members of the Budget Committee did an excellent job of perceiving the most important issues and had offered valuable advice. For that reason, the Presiding Officer said he would support the Resolution.

Councilor Hansen said regardless of the makeup of SWPAC, the solid waste industry had the capacity to make itself heard by the Council on any issue. Citizens, however, didn't always take advance of this opportunity, he said.

Vote: A vote on the motion resulted in:

Ayes: Councilors Gardner, Hansen, Kirkpatrick, Kelley, Myers, Oleson and Bonner

Nay: Councilor Waker

Absent: Councilors Cooper, DeJardin, Kafoury and Van Bergen

The motion carried and Resolution No. 85-578 was adopted.

7.2 Consideration of Resolution No. 85-562, for the Purpose of Adopting the Annual Budget of the Metropolitan Service District for FY 1985-86, Making Appropriations from Funds of the District in Accordance with Said Annual Budget, Creating a St. Johns Methane Recovery Fund and a Building Management Fund, and Levying Ad Valorem Taxes

Mike Burton, State Representative of District 17, 6037 North Fiske, Portland, Oregon, said he wished to brief the Council regarding the effects of SB 662 on Metro's budget. He explained one provision of the legislation would be that 50¢ per ton (approximately \$400,000 per year) of solid waste disposed at St. Johns Landfill would be set aside for economic development of the landfill and surrounding area. Metro would be responsible for collection and administration of the revenue. Representative Burton said he would soon deliver a

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memo to the Council outlining the Legislature's intent along with recommendations for administering the funds. He requested the Council establish a forum for administration including input of citizens from the St. Johns region, a Council representative and a representative from the City of Portland. Citizens, he said, would provide valuable guidance in how the funds should be expended.

Councilor Waker asked if SB 662 would speed up the process for closing St. Johns Landfill. Representative Burton said the bill's intent was to bring about a viable solution to regional solid waste problems. The landfill was scheduled to close in 1989 and fill rates had increased 35 percent over 1984 due to use of the facility by haulers from outside the District. He urged to Council to carefully examine disposal rates as part of Metro's Solid Waste Management Plan. Low rates, he explained, could do a disservice to the public in the long run by attracting more business than the landfill would handle.

Executive Officer Gustafson thanked Representative Burton for his efforts on SB 662. The legislation, he said, provided for Metro to develop a waste reduction plan. The Executive Officer asked Representative Burton if the intent of this provision was to encourage Metro to develop a plan for an energy recovery facility. Representative Burton responded he wanted to encourage the use of alternate technologies for solid waste disposal and thought many Legislators were supportive of this approach. DEQ had been mandated to site a disposal facility, he said, which could include an interim landfill combined with alternative technology.

Presiding Officer Bonner asked if Legislators were aware of the increased disposal costs related to alternative technology. Representative Burton said he had been frank about future cost increases for waste disposal and Legislators were aware of the situation. This, he said, was a reality due to the cost of energy, transportation and land.

Councilor Waker noted that even with the current disposal rates, many people were resorting to illegal dumping. He questioned whether increased rates and no requirements for mandatory collection would accelerate the problem. Representative Burton responded that Metro had the authority to regulate mandatory collection and the Council should seriously consider rate setting as a management issue.

Presiding Officer Bonner thanked Representative Burton for his comments and invited him to address the Council when the Solid Waste Management Plan was reviewed.

Jennifer Sims reviewed the staff report regarding adoption of the FY 1985-86 budget. She noted that four changes had been made to the budget since the hearing before the Tax Supervising & Conservation Commission (TSCC) which were explained in the staff report. The budget before the Council was in compliance with changes recommended by the TSCC, she said.

Motion: Councilor Hansen moved the adoption of Resolution No. 85-562 and Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Gardner, Hansen, Kirkpatrick, Kelley, Myers, Oleson, Waker and Bonner

Absent: Councilors Cooper, DeJardin, Kafoury and Van Bergen

The motion carried and Resolution No. 85-562 was adopted.

## 8. OTHER BUSINESS

### 8.1 Consideration of Order No. 85-2, for the Purpose of Declaring Certain Property Surplus and Authorizing the Execution of a Sublease

Ms. Sims introduced Judy Munro, Support Services Supervisor, to the Council and explained the five-year, four-month sublease was at \$13.43 per square foot, included five parking spaces at \$45.00 per month, and included 1,500 square feet in the southwest corner of the 2000 S.W. First Avenue building. The lease would be reviewed annually and would increase as operating costs increased.

In response to the Presiding Officer's question, Eleanore Baxendale explained it was necessary for the Council to adopt the Order declaring the property surplus in order for staff to proceed with the lease. The Council would not approve the lease.

Motion: Councilor Gardner moved the Council adopt Order No. 85-2 and Councilor Hansen seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Gardner, Hansen, Kirkpatrick, Kelley, Myers, Oleson, Waker and Bonner

Absent: Councilors Cooper, DeJardin, Kafoury and Van Bergen

The motion carried and Order No. 85-2 was adopted.

8.2 Presentation of an Award from the Environmental Learning Center for Metro's Support of Recycling Efforts

Dennis Mulvihill, Metro's Waste Reduction Manager, introduced Jerry Herrmann, Director of the John Inskeep Environmental Learning Center (ELC), to the Council.

Mr. Herrmann explained the original agenda title for this item indicated the award was being given to Metro for its support of Clackamas County recycling efforts. Mr. Herrmann explained, however, the award was being presented to Metro because of its commitment, belief and support of the ELC program. In 1983, he explained, Metro had \$70,000 available in a recycling support fund to help support various organizations. The ELC received \$5,085 from Metro which was matched with \$3,500 of its own funds to build a recycling facility. The ELC secured an old mobile home and with the help of Clackamas Community College, moved it to its present site, refurbished the structure, added landscaping and set it up as a one-stop, drop-off facility for the public. The facility was equipped to accept 27 different recyclable commodities, he reported, including plastics, glass, paper and all grades of metals.

Mr. Herrmann reported Metro's financial support had allowed Clackamas Community College to save \$19,000 to \$20,000 annually for garbage services. With assistance from the Oregon City Garbage Company, the local franchised hauler, who provided dropboxes to the facility and worked with ELC to market recyclable materials, over 30 tons of processed materials are produced each month for use by Oregon industries. Also with the cooperation of the Oregon City Garbage Company, high-grade paper and cardboard pickup programs were developed to serve businesses near the CCC campus and Milwaukie. Other programs included ELC and Metro-hosted and conducted yard debris seminars. Sunset Magazine was producing a feature article on the program which would be published in September, he said.

In conclusion, Mr. Herrmann said Metro's help had made ELC's job easier by providing alternatives to Clackamas County residents. Mr. Herrmann presented the award to Metro's Presiding Officer Ernie Bonner on behalf of the Environmental Learning Center at Clackamas Community College. The Council and visitors then viewed a 20-minute slide presentation about the ELC and its programs.

9. INTERGOVERNMENTAL RESOURCE CENTER (IRC)

a. Introduction to the IRC: Services to Local Governments

Steve Siegel briefly outlined the scope of services provided to the region by the IRC including data services, transportation, development services and criminal justice. Within those areas, the IRC provided regional studies, technical assistance and coordination services, he explained.



b. Major Transportation Issues Facing the Region

Andy Cotugno reviewed several federal, state and local government transportation issues in which the IRC was involved. Federal projects included lobbying for new highway and transit legislation. At the state level, the IRC was working for a gas tax increase, a highway apportionment study and a six-year transportation plan update. Regional projects included a local gas tax, the McLoughlin Boulevard project, the Johnson Creek corridor study and the Southern Pacific abandonment project.

In response to Councilor Waker's question, Mr. Cotugno explained the above issues were addressed by each local government by way of their participation on technical and policy committees coordinated by Metro. For example, the Joint Policy Alternatives Committee on Transportation (JPACT) was comprised of local government officials and technical representatives which met regularly to establish regional transportation priorities.

In summary, Mr. Siegel stated the IRC was actively working to modify the Federal Transportation Act to ensure funding for regional projects, to gain a gas tax increase, to complete an apportionment study to ensure cities and counties receive transportation funding, to work with the Department of Transportation on the six-year transportation plan meets requirements. He also commended the JPACT process and the involvement of local government representatives in the decision-making process.

Roy Marvin, Vice President, Secretary and Treasurer of Precision Cast Parts, said he was representing other North Clackamas County employers including OECO, Omark Industries, United Grocers, Warren Industries, Safeway, Fred Meyer and Home & Transfer. These major employers, he said, were concerned about the transportation needs of the area and had begun to join together to address the problems they felt were not being resolved. He described the transportation situation as grossly inadequate and said the last study that best addressed the area's transportation needs was completed in 1955. That study described a corridor running from I-5, across the Sellwood Bridge or a new bridge near the Sellwood Bridge, out Johnson Creek and joining with I-205, branching south and north and joining other major transportation corridors that today don't exist. Mr. Marvin then described the current situation and stressed the transportation network was not adequate. For example, he said, it took Precision Cast Parts' distribution trucks 20 minutes to get through the intersection of Highway 212 and I-205 during rush hour traffic or about 4 percent of a workday for a driver, rig and trailer. This situation, he said, was an economic disadvantage to local businesses. In addition, Mr. Marvin was very concerned that residents were at odds with local industries over transportation routes. Something must be done now, he said.

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In response to Councilor Waker's request, Mr. Marvin pointed out the area in question on a map. He discussed the problems of road vibration when heavy trucks traveled through neighborhoods. He also urged a near eastside freeway be built to accommodate the estimated 55,000 area residents working in Downtown Portland.

Presiding Officer Bonner requested Mr. Marvin review Metro's updated six-year transportation plan and comment to staff and the Council. Executive Officer Gustafson thanked Mr. Marvin for addressing the Council. He was encouraged that local businesses were taking an active interest in transportation issues and wanted to work with the group to gain needed support for attracting federal funds to solve the problems.

Craig Lomnicki, former President of the Ardenwald and Johnson Creek Neighborhood Association and current member of the Milwaukie City Council, addressed the Council as an individual concerned about North Clackamas County transportation problems. He was in support of Mr. Marvin's position. Residents had been reviewing the possibility of a two-lane road, uninterrupted from 45th Street to McLoughlin Boulevard and that would tie in with the Highway 212 and I-205 intersection. He explained it was his personal opinion and that of the Neighborhood Association's that area transportation needs were very important. Precision Cast Parts bordered the Ardenwald neighborhood and experienced great difficulty transporting goods from its plant through two-lane neighborhood streets to reach McLoughlin Boulevard. Mr. Lomnicki urged a limited access road system be built from I-205 to McLoughlin Boulevard that would bypass area neighborhoods.

In response to Presiding Officer Bonner's question, Mr. Cotugno explained current efforts to resolve the North Clackamas County transportation problem included a City of Portland study which evaluated the Johnson Creek Corridor. Local governments must agree to a plan before further action could take place, he said. Councilor Waker added that money had been committed since 1978 for road revisions but funds could not be allocated until a subregional agreement was in place. Hugh Brown, City Manager, City of Milwaukie, reported a jurisdictional agreement could be signed in the near future.

**b. Major Economic Development Issues Facing the Region**

Keith Lawton discussed the 1985 update of the Population and Housing forecast and distributed a preliminary summary of the population and housing update. A brief discussion followed about possible population and housing trends for the region.

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Mr. Siegel reviewed other development issues including federal cutbacks and state legislation affecting local governments, the activities of the Committee on Regional Convention, Trade, and Spectator Facilities and a Metro study on the future of telecommunications in the region. Mr. Siegel also discussed Metro publications distributed to local governments.

Peter Harvey, City Manager, Lake Oswego, first commended the Council for conducting a meeting in the suburbs and urged continuation of that practice. Regarding the transportation apportionment study, Mr. Harvey said he was concerned about the structure of JPACT and other advisory groups and saw the need to develop a broader base for these groups. He said the shortcoming of the process was the lack of communication between committee members and city managers. He thought city managers could provide an overall orientation which would better coordinate all aspects of a project. Mr. Harvey also requested Metro work with cities to clarify the role of Metro, the State Department of Transportation and the counties. Regarding land use planning, he thought Metro could provide a coordinating role in working the local governments to request plan acknowledgements of the LCDC. Mr. Harvey said local cities and Clackamas County were very active in telecommunications and had formed a policy committee to develop a cable franchise. Opportunities for telecommunication interconnection were requested, he said, but had not yet been provided. He thought Metro could assist in coordinating the details of that franchise. Finally, Mr. Harvey reported he was disappointed the regional city managers' request for Metro to coordinate a city manager forum had resulted in Metro imposing a fee for the proposed service.

Roz Daniels, representing the City of Oregon City, said the city was interested in Metro's activities.

There being no further business, Presiding Officer Bonner adjourned the meeting at 9:20 p.m.

Respectfully submitted,



A. Marie Nelson  
Clerk of the Council

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