

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

February 13, 1986

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

Also Present: Rick Gustafson, Executive Officer

Staff Present: Eleanore Baxendale, Vickie Rocker, Dan Durig, Doug Drennen, Randi Wexler, Jim Schoemake, Patrick Miner, Sonnie Russill, Peg Henwood, Phillip Fell and Ray Barker

Presiding Officer Waker called the meeting to order at 3:15 p.m.

1. INTERVIEWS WITH CANDIDATES FOR DISTRICT 8 COUNCIL POSITION

Six candidates for the District 8 Council position were interviewed by a five-member citizen committee (Alyce Dingler, Denis Gilman, Jim Knoll, Linda MacPherson and Joe Voboril) and the Council. Candidates interviewed included Melvin Replogle, Michael MacClellan, Mike Bonner, Bruansten, John Frewing and Steven McCarrell. Presiding Officer Waker announced he had received a letter from candidate Paul Hobbs withdrawing his application for the position. Jonathan Block, a candidate not available to be interviewed at this meeting, would be interviewed at the beginning of the February 27 Council meeting. Each of the six candidates was asked to respond to the questions listed below along with other questions asked by Councilors and the citizen committee:

1. What services, if any, should Metro provide?
2. How should Metro relate with other governments in the region?
3. Metro Councilors are responsible for setting regional policy and, for fiscal and personnel oversight of the Metropolitan Service District. Explain how your background would enhance the Council's ability to perform these tasks.
4. By assuming this position, you will be appointed to represent a district of approximately 77,000 people. Please share with us your knowledge of the needs and concerns of your district. What experience do you have in working with community organizations, as well as individuals, in your district? How would you balance the needs of your district with the needs of the region?
5. Why would you like to be a Metro Councilor?

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After the interviews, Presiding Officer Waker called a recess at 4:45 p.m. He reconvened the Council at 5:00 p.m.

2. INTRODUCTIONS

None.

3. COUNCILOR COMMUNICATIONS

3.1 Council Committee Appointments for 1986

Motion: Councilor DeJardin moved to confirm the Council committee appointments of the Presiding Officer for calendar year 1986. Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Myers, Oleson, Van Bergen and Waker

The motion carried and the following Council committee appointments were confirmed:

Council Management Committee

Gardner, Chair	Hansen Alternate
Van Bergen, Vice Chair	Oleson, Alternate
Cooper	
DeJardin	
Kelley	

Intergovernmental Resource Center Committee

Kirkpatrick, Chair	Kelley, Alternate
DeJardin, Vice Chair	
Oleson	

Criminal Justice Committee

Oleson
Kelley
Van Bergen

Tri-Met Special Needs Committee

Kelley

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Budget Committee

DeJardin, Chair	District 8 Councilor
Hansen, Vice Chair	Rafoury
Gardner	Oleson, Alternate

Levy/Campaign Committee

Kirkpatrick, Chair	(Myers)
(Leo)	(Rafoury)
(Gustafson)	

North Portland Economic Development Committee

Hansen, Chair
District 8 Councilor, Alternate

Waste Reduction Plan Task Force

Gardner

JPACT/Transportation

Waker, Chair	Cooper
Van Bergen	Gardner, Alternate

Friends of the Zoo

Rafoury	Kirkpatrick, Alternate
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Bi-State Committee

Hansen	Cooper, Alternate
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Convention Center

(Gustafson)	Waker, Alternate
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4. EXECUTIVE OFFICER COMMUNICATIONS

The Executive Officer briefly reviewed highlights of the printed report for the quarter ending December 31, 1985. He then reported Land Conservation and Development Commission (LCDC) staff had recommended the Commission acknowledge all but about 960 acres in the central portion of Washington County including the community known as Bethany. Metro staff presented testimony to support acknowledgment of the entire boundary, he said. To comply with the terms of the Continuance, Metro is directed to develop new findings that

would accomplish one of the following: 1) Demonstrate need, under factors 1 and 2, for all land in the boundary based on detailed planning data; 2) Demonstrate that the identified portion of Bethany is committed to urban use under the Goal 14 locational factors; and 3) Identify a special or site specific need for the identified area. Metro was also directed to delete the area from the UGB and replan and rezone it for rural uses. The Executive Officer said he would keep the Council abreast of further developments.

Finally, Executive Officer Gustafson reported the Intergovernmental Resource Committee recommended the Council assess local governments \$1 $\frac{1}{2}$ per capita for its local government services. The Council would consider a resolution to adopt this policy at their next meeting, he said.

5. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

6. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

7. APPROVAL OF MINUTES of the Meeting of January 9, 1986

Motion: Councilor DeJardin moved the minutes be approved and Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Myers, Oleson, Van Bergen and Waker

The motion carried and the minutes were approved.

8. CONSIDERATION OF RESOLUTION NO. 86-626, for the Purpose of Authorizing the Negotiated Acquisition or the Commencement of Condemnation to Acquire Certain Property in Accordance with the Approved Solid Waste Management Plan for the Purpose of Constructing the Washington Transfer & Recycling Center

Presiding Officer Waker announced there would be no public hearing for this item since public hearings had occurred previously for all transfer stationsites under consideration. The Presiding Officer said he would, however, read written testimony submitted by Edward Ritter. Also, the Governor had requested to address the Council on the matter. Gerry Thompson, Chief of Staff for the Governor, would deliver the Governor's message.

Councilor Myers declared he had a conflict of interest on this issue because his law firm was involved with the owner of the property under consideration. He then left the Council Chamber.

Randi Wexler reviewed highlights of staff's written report explaining that on January 16, 1986, the Council selected the site at Cornelius Pass Road as the preferred area for the transfer station in Washington County. That site, she said, was selected for the following reasons: 1) access from Highway 26 minimized traffic on local access streets within areas already developed; 2) preference for an undeveloped parcel would eliminate any design constraints possibly imposed by retrofitting an existing building; and 3) the desire to build the transfer station in an unestablished, relatively undeveloped area where new businesses and industries would knowingly build near a transfer station. She reported the Council did not appear to believe the development community's position that locating a transfer station in an undeveloped area would deter development consistent with the area's zoning.

Ms. Wexler then described specific parcels of land considered by staff at the Cornelius Pass Road site identified as Sites A, B and C in the staff report. She also noted staff had received many letters objecting to the use of the Cornelius Pass Road site for a transfer station. Staff recommended Site B as the preferred site because the property was more than 1,000 feet from a residential area, had few development constraints and was zoned properly for a timely land use process.

Presiding Officer Waker read a letter submitted by Edward Ritter of the Sunset Neighborhood Association. Mr. Ritter urged the Council to consider the regional and statewide consequences of siting the transfer station at the Cornelius Pass Road site. He said the facility would be disastrous for his neighborhood and would adversely effect homes and children's lives. He questioned the wisdom of siting the facility before it was known where the next regional landfill would be located. Mr. Ritter also objected to siting the transfer station in the Sunset Corridor, one of the few areas in the state experiencing economic growth.

Gerry Thompson, Chief of Staff of Governor Victor Atiyeh, said she was speaking on behalf of the Governor who fully supported the idea that a transfer station was needed in Washington County. However, the Governor Atiyeh objected to the specific site recommended by the Council for the facility. She said he had taken this unprecedented action of objecting to a local government decision because that decision would have statewide implications. Because the Governor had such deep concerns for the direction Metro was about to take, he was willing to join with the Council to assist in finding a suitable site for the transfer station, she said.

Ms. Thompson then discussed the Governor's efforts to change the negative image of Oregon to the positive business image of creating jobs. Those efforts were yielding results, she said, especially in the Sunset Corridor area of Washington County. She emphasized the action considered by the Council tonight would have an absolute negative impact on those efforts by destroying the image of the Sunset Corridor as a premier location for new and expanding Oregon business. She said damaging, negative signals were already being sent within and outside the state.

Ms. Thompson reviewed a proposal to use the Governor's resources to assist Metro in identifying a location for a waste transfer station in Washington County that would be acceptable to a wide array of citizens living and doing business in the County. The Governor proposed the Council delay their action tonight. He would then immediately organize a task force composed of leading and respected Washington County citizens to find a generally acceptable site for the facility on property that could be properly permitted. The task force would attempt this work on a very short timeline and with consideration of any criteria already set forth by the Council, she explained. She emphasized the task force would need some flexibility to accomplish their job.

Finally, Ms. Thompson reported two important examples where Metro's pending action might cause prominent companies to reconsider siting in Oregon. She urged the Council not take action that would further jeopardize those negotiations or negotiations with companies that might be interested in Oregon in the future.

Councilor DeJardin thanked Ms. Thompson for sharing the Governor's concerns. He explained, however, he had difficulty with the Governor's message because it would be virtually impossible to find a site acceptable to everyone. He also questioned Ms. Thompson's statement that a transfer station at the Cornelius Pass Road site would cause economic blight to the area and the entire state. The Councilor reported a thriving shopping center was located near the transfer station in Oregon City and no problems had resulted from the facility.

Councilor DeJardin said that during the process of public hearings on proposed Washington County sites, he had resented inferences of elitism that perhaps the County was too good to have a solid waste transfer station in the area and that waste should continue to be handled by Oregon City. Councilor DeJardin also questioned whether Pacific Rim companies and countries, who were quite advanced in dealing with their garbage issues, were actually threatening not to site businesses in Oregon because of the transfer station. Oregon was perhaps embarrassing itself by making an issue to the transfer station with these companies, he said.

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Finally, Councilor DeJardin said the Governor's last-minute appeal was unfair because he was asking the Council to disregard the thousands of hours expended on the project by the staff, citizen task forces, businesses, and neighborhood residents. However, he said, if the Governor could find a site superior to that recommended by the Council, it would be unprudent for the Council not to recognize that possibility. He requested the Council proceed with siting the transfer station at the Cornelius Pass Road Site B if the Governor could not come up with a better plan within a prescribed time period.

Councilor Kelley asked Ms. Thompson to clarify how much flexibility the Governor would need to find a suitable site. Ms. Thompson said the Governor's office would adhere to any criteria set by the Council and that some flexibility would be needed to conduct that process.

Councilor Oleson agreed the north side of Cornelius Pass Road was not the best location for a solid waste transfer station. In response to the Councilor's question, Ms. Thompson said no location within that area would be acceptable for all the reasons she had stated earlier. Councilor Oleson said that from the residents' point of view, an undeveloped commercial area would be the best kind of site for the facility. He was concerned the Governor not recommend a site that would create the same type of problems with residents previous sites had caused. Ms. Thompson responded that any site would create some human reaction, either negative or positive, but the Governor hoped a generally acceptable site could be found. Finally, Councilor Oleson said he would rather live near a transfer station than near some of the acids and poisons generated by hi tech businesses.

The Executive Officer defined the Council's options as follows:
1) the Council could, in response to the Governor's request, set over any action on Resolution No. 86-626 until March 27;
2) recognize by motion site B as the preferred site for the transfer station but set over any action on Resolution No. 86-626 pending the Governor's action; 3) adopt the Resolution in its current form authorizing the condemnation but recognize the Executive Officer would have 45 days in which to proceed with the condemnation process which would allow the Governor the opportunity to find a more suitable site; and 4) adopt the Resolution and instruct the Executive Officer to file papers for a condemnation process immediately.

In response to the Presiding Officer's question, Ms. Thompson said the first option would fit exactly into the framework of the Governor's request. The second option would also be workable, she said, but the third option would make it difficult for the Governor to do his work.

Councilor Van Bergen said he was concerned that no action be taken to jeopardize Metro's ability to obtain necessary land use permits for the preferred site. The Executive Officer explained he had indicated the same concern to the Governor's Chief of Staff. He said if any action were initiated to amend the current Washington County land use permit process that could jeopardize siting a transfer station, the Council could determine to file its land use permit application immediately or take any necessary action to assure Metro could apply for a permit. In response to Councilor Van Bergen's question, Executive Officer Gustafson explained the first three options would guarantee that ability.

Responding to Councilor Hansen's question, Ms. Thompson said the Governor understood the siting process was not popular with neighborhood groups and he would take a stand to support any site be recommended. She emphasized any recommended site should not jeopardize the state's economic potential.

Motion: Councilor Cooper moved to select staff's recommended site, as identified in the staff report, as the appropriate site for the transfer station but to set over consideration of Resolution No. 86-626 until March 27, 1986, in order that the delay be used to allow the Governor of the State of Oregon to propose a site superior to the property described in Exhibits B and C of staff's report. Councilor Kelley seconded the motion for discussion purposes.

Councilor Kirkpatrick asked if the motion were adopted, could the Executive Officer start condemnation proceedings if action were taken to change zoning effecting transfer stations in Washington County. The Executive Officer said if any actions were taken to change the planning process, he would commence administrative work preparing for condemnation and would return to the Council requesting a condemnation order. Councilor Kirkpatrick said she would only support the motion if the option the Executive Officer had explained were guaranteed. She was concerned the Council would end up with no site options if the Governor was not successful and she did not want to give the public another reason to say Metro had failed. However, she also thought it would be foolish not to accept the Governor's offer to assist the Council in finding a better site.

Councilor Kafoury asked if the objectives described by the Executive Officer could be accomplished by adopting the Resolution but not implementing action until March 27. Eleanore Baxendale explained that type of action would accomplish the same objective but it should be clarified what would be meant by the term "start condemnation." She then explained the multi-phased condemnation process

and which phases would require Council action. Councilor Kafoury said she agreed with Councilor Kirkpatrick that the Council must preserve its options if the Governor failed.

Councilor Van Bergen opposed the motion explaining condemnation could be a lengthy process. He supported working with the Governor but wanted to authorize the Executive Officer to file condemnation proceedings in case the Governor did not succeed.

Councilor Gardner said he would support Councilor Cooper's motion because he was willing interrupt the condemnation process to give the Governor the opportunity to help locate a better site. However, the Councilor said he had not been impressed by the arguments of those opposed to the Cornelius Pass Road site. He thought they had greatly exaggerated the probable impact of a transfer station and had misrepresented the facts to other citizens. The Councilor said if one were to believe the reports that some companies were not planning to build in the Sunset Corridor because of the transfer station, those companies could have decided not to build because of the exaggerated picture painted by citizens. He emphasized a transfer station should be located within the Sunset Corridor precisely because of the planned economic development for that area.

Councilor DeJardin explained although he would prefer to begin condemnation proceedings for the preferred site in tandem with working with the Governor, he would support the motion.

Councilor DeJardin requested if the motion were adopted the Governor's Office present a status report of their progress at the next Council meeting. Ms. Thompson gave her assurance this would occur.

Vote: A vote on the motion resulted in:

Ayes: Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley and Waker

Nays: Councilors Oleson and Van Bergen

Abstain: Councilor Myers

The motion carried.

9. ORDINANCES

9.1 Consideration of Ordinance No. 86-196, for the Purpose of Adopting a Final Order in Contested Case No. 85-2 (Tualatin Hills) and Amending the Metro Urban Growth Boundary in Washington County as Petitioned (First Reading and Public Hearing)

Eleanore Baxendale reported Mr. Moore, an interested party, had filed an exception but was not able to travel to the meeting from The Dalles due to inclement weather. Mr. Moore had requested the Council set over consideration of the Ordinance until February 27, 1986. Ms. Baxendale said the petitioners were concerned about the request but would abide by the Council's decision.

Motion: Councilor Kirkpatrick moved to set consideration of Ordinance No. 86-196 over until February 27, 1986. Councilor Kelley seconded the motion.

Councilor Kirkpatrick said the item should be set over if the Council were serious about receiving Mr. Moore's testimony.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Myers, Oleson, Van Bergen and Waker

Absent: Councilor Kafoury

The motion carried and the first reading of the Ordinance was rescheduled for February 27, 1986.

9.2 Consideration of Ordinance No. 86-195, for the Purpose of Submitting a Metropolitan Service District Tax Base Measure (Second Reading)

The Clerk read the Ordinance a second time by title only.

Motion: A motion to adopt Ordinance No. 86-295 was made by Councilors Kirkpatrick and Kafoury on January 23, 1986.

Councilor Kirkpatrick reported Councilors had received proposed amendments to the Ordinance earlier in the week. She proposed two changes to those amendments: 1) the word "have" be changed to "establish" on the question portion; 2) the word "to" be eliminated from the explanation; and 3) "1987-88" be removed from the last sentence of the explanation and the words "for a home assessed at \$60,000" be added at the end of the explanation.

First Motion to Amend: Councilor Kirkpatrick moved to adopt the above amendments to the main motion and Councilor Cooper seconded the motion.

Councilor Kirkpatrick reported the Friends of the Zoo moved to support the tax base measure at their last meeting and David Cressler, FOZ Vice President, was in attendance at this meeting to answer questions from Councilors. There were no questions.

Second Motion to Amend: Councilor Gardner moved to add the words "\$5 million" after the word "current" to the second line of the explanation. Councilor Myers seconded the motion.

Councilor Gardner said his amendment would add one word to the explanation and would spell out the amount of the current levy. He said because voters would understand the difference between a tax base and tax levy, he did not think the reference to the tax base later in the sentence of the explanation would be confusing.

Kay Rich said he was concerned about the proposed second amendment because voters could erroneously perceive the measure to be a tax decrease rather than increase. He did not want to give possible opposition any reason to make this an issue when, in fact, it was not an issue.

Councilor Gardner said his amendment achieved the goal of presenting a truthful ballot title that put the measure in the best possible light.

A discussion followed about the merits of the second proposed amendment.

Vote on the Second Motion to Amend:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Myuers, Oleson, Van Bergen and Waker
Nay: Councilor Kelley
Absent: Councilor Kafoury

The motion carried.

Vote on the First Motion to Amend:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Myuers, Oleson, Van Bergen and Waker

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Nay: Councilor Kelley
Absent: Councilor Kafoury

The motion carried.

Vote on the Main Motion as Amended:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen,
Kirkpatrick, Myers, Oleson, Van Bergen and Waker
Nay: Councilor Kelley
Absent: Councilor Kafoury

The motion carried and Ordinance No. 86-195 was adopted as amended.

Councilor Kafoury thanked Councilor Myers for his help in drafting a ballot title. The Presiding Officer also thanked the Friends of the Zoo for their support of the ballot title.

There being no further business, Presiding Officer Waker adjourned the meeting at 6:45 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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