

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

September 11, 1986

Councilors Present: Councilors DeJardin, Frewing, Gardner,
Hansen, Kelley, Oleson, Van Bergen and Waker

Councilors Absent: Councilors Collier, Cooper, Kafoury and
Kirkpatrick

Also Present: Rick Gustafson, Executive Officer

Staff Present: Donald Carlson, Eleanore Baxendale, Ray
Barker, David Luneke, Doug Drennen, Gene
Leo, Kay Rich, Norm Wietting, Tuck Wilson,
Sandy Bradley, Dan Durig, Becky Crockett
and Chuck Geyer

Presiding Officer Waker called the meeting to order at 5:40 p.m.

1. INTRODUCTIONS

None.

2. Councilor Communications

Councilor Frewing reported he had attended a meeting of Department of Environmental Quality (DEQ) staff regarding the landfill siting process. He encouraged continued cooperation between DEQ and Metro staff because DEQ were proposing solutions to the community that Metro would have to implement.

3. EXECUTIVE OFFICER COMMUNICATIONS

Convention, Trade and Spectator (CTS) Facility. Executive Officer Gustafson reported the Citizens for Jobs bond measure campaign committee conducted a successful press briefing earlier in the day. The Executive Officer also reported the Council would be approving the CTS construction manager contract at their next meeting and an additional employee had been hired as provided for in the Council-approved FY 1986-87 budget.

Bear Grotto Exhibit Opening. The exhibit would be open to the public the weekend of September 27 and 28 with a staff and Friends of the Zoo preview scheduled for September 26.

Clackamas Transfer & Recycling Center (CTRC). Excavation work had begun on the CTRC landscaping project.

West Transfer and Recycling Center. Doug Drennen, Solid Waste Engineering/Analysis Manager, introduced Dave Luneke to the Council. He said Mr. Luneke had been recently hired to replace Buff Winn as Solid Waste Engineer. Mr. Drennen reported staff had begun a series of meetings with the public regarding the design of the transfer center. Mr. Luneke then reviewed the design and construction schedule for the project as listed in the written Executive Officer Report distributed at the meeting.

Executive Officer Gustafson also reported staff had appeared before the Washington County Board of Commissioners requesting they work with Metro in designing the transfer station. On Tuesday of this week the Board adopted an ordinance which would subject the transfer station site to Type III zoning if Metro's plan were not approved before the Ordinance went into effect. The Executive Officer explained staff were proceeding to ensure the permit was submitted before the 90-day period.

Marion County Disposal Agreement. Doug Drennen reported the Council would be asked at its September 25 meeting to approve a contract to dispose of waste at the Marion County Landfill. The agreement was an effort to reduce the volume of waste currently disposed at the St. Johns Landfill. Responding to the Presiding Officer's question, Mr. Drennen said initial disposal costs would be around \$12 per ton. That figure was less than a probable penalty Metro would pay to the City of Portland if allowable waste volumes were exceeded under the conditions imposed by the current Metro/City agreement.

3.1 Report on an Intergovernmental Agreement with the Portland Development Commission for the Convention, Trade and Spectator Facilities Project

Executive Officer Gustafson said the item was being pulled from the agenda because a final agreement had not yet been reached.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

6. ORDINANCES

6.1 Consideration of Ordinance No. 86-207, for the Purpose of Defining a Planning Procedure for Designating Areas and Activities for Which a Functional Plan May be Adopted (Second Reading)

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

Main Motion: The motion to adopt the Ordinance was made on August 28, 1986, by Councilors Gardner and Van Bergen.

Eleanore Baxendale, General Counsel, distributed a proposed amendment to the Ordinance. Councilor Frewing said the amendment addressed the concerns he had raised at the August 28 Council meeting.

Motion to Amend: Councilor Frewing moved to amend the main motion by adding a new Section 2 after the existing Section 1 to read: "As part of its recommendation on the annual work plan the Intergovernmental Resource Committee established by Ordinance No. 84-180 shall report to the Council whether there are aspects of development in addition to water quality, air quality and transportation, which are related to the orderly and responsible development of the metropolitan area." Existing Sections 2, 3 and 4 shall be renumbered to read Sections 3, 4 and 5. The following language shall be added at the end of the first sentence of the existing Section 2 (new Section 3):
. . . Sections 1 or 2 or on the Council's own determination." Councilor Van Bergen seconded the motion.

Vote on Motion to Amend: The vote resulted in:

Ayes: Councilors DeJardin, Frewing, Gardner, Hansen, Kelley, Oleson, Van Bergen and Waker

Absent: Councilors Collier, Cooper, Kafoury and Kirkpatrick

The motion carried and the Ordinance was amended.

Vote on Main Motion as Amended: The vote resulted in:

Ayes: Councilors DeJardin, Frewing, Gardner, Hansen, Kelley, Oleson, Van Bergen and Waker

Absent: Councilors Collier, Cooper, Kafoury and Kirkpatrick

The motion carried and Ordinance No. 86-207 was adopted as amended.

6.2 Consideration of Ordinance No. 86-208, Adopting a Final Order and Amending the Urban Growth Boundary for Contested Case No. 85-9: Riviera Motors Property (First Reading and Public Hearing)

The Clerk read the Ordinance by title only for the first time.

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Jill Hinckley, Land Use Coordinator, explained the Council had previously adopted Resolution No. 86-651 which adopted the Hearings Officer's findings for placing the land within the Urban Growth Boundary. By adoption of this Ordinance, the Boundary would be changed.

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

Presiding Officer Waker opened the public hearing on the Ordinance. Being no testimony, the public hearing was closed. He announced a second reading of the Ordinance would occur on September 25, 1986.

6.3 Consideration of Ordinance No. 86-209, Amending Ordinance No. 83-162 to Eliminate Conditions Imposed on the Urban Growth Boundary Amendment Adopted for Contested Case No. 81-2: Waldo Estates (First Reading and Public Hearing)

Ms. Hinckley reviewed information contained in the written staff report. A discussion followed regarding why the original decision had been made to include the property within the UGB. Councilor Van Bergen questioned why the Council had made a decision based on land use factors. Councilor Oleson, present on the Council when the original decision was made, explained the uniqueness of the project had provided momentum for the Council's action. He agreed the case needed revisiting.

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

Presiding Officer Waker opened the public hearing explaining only parties who had participated in the original Contested Case hearing could testify.

Mark O'Donnell of Vancouver Federal Savings Bank testified his firm had not filed formal objections but he would answer questions of the Council. There were no questions.

There were no questions of Mr. O'Donnell and no further testimony was presented. The Presiding Officer Waker closed the public hearing.

In response to Councilor Hansen's question, Ms. Hinckley said the Council had indicated when they heard testimony on the Earle May and city of Wilsonville contested case, they would not consider Boundary adjustments based on conditional land uses. She acknowledged, although she thought it unlikely, the Land Use Board of Appeals could disagree with the Council.

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The Presiding Officer announced the second reading of the Ordinance would occur on September 25, 1986.

6.4 Consideration of Ordinance No. 86-210, for the Purpose of Authorizing a Temporary Reduction in Disposal Rates for Source Separated Yard Debris at the St. Johns Landfill (First Reading and Public Hearing)

The Clerk read the Ordinance by title only for the first time.

Norm Wietting, Solid Waste Operations Manager, presented staff's report as printed in the agenda materials.

Presiding Officer Waker asked how the source separated yard debris would eventually be used. Mr. Wietting said the material would be processed for use as landfill top soil which had previously been purchased by Metro from other sources.

Responding to Councilor Hansen's question, Mr. Wietting said the landfill operator's contract provided for control of rodents in the area.

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

Presiding Officer Waker opened the public hearing on the Ordinance.

Estle Harlan, 2202 Lake Road, Milwaukie, Oregon, a consultant for the Oregon Sanitary Service Institute, testified her main concern with the Ordinance was a new definition had been given for "source separated yard debris." She was concerned that Metro-imposed collection requirements could dictate the use of separate trucks for yard debris collection. This, she said, would require considerable capital outlay for haulers. She pointed out that if a market system were in place, the collection industry would have a collection system in place.

Ron Hohnstein, 11505 S.W. Jody Street, Beaverton, was concerned a temporary proposal would become an unfair, permanent policy.

There being no further testimony, Presiding Officer Waker closed the public hearing on the Ordinance.

Councilor Van Bergen was concerned about whether loads would be adequately screened to ensure the material was yard debris. The Presiding Officer said the Ordinance provided for the landfill operator to screen material and he thought most of the public would dispose the type of material allowed.

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Presiding Officer Waker announced the second reading of the Ordinance would take place on September 25, 1986.

7. RESOLUTIONS

7.1 Consideration of Resolution Nos. 86-680 and 86-681, Approving a Supplemental Budget, Creating a New Fund (Convention, Trade and Spectator Facility Capital Fund), Amending Resolution No. 86-659 and Authorizing an Interfund Loan (Public Hearing)

Jennifer Sims, Management Services Director, explained when adopted, Resolution No. 86-681 would transmit the Supplemental Budget to the Tax Supervising and Conservation Commission (TSCC). Resolution No. 86-681 would be considered for adoption after it was reviewed and certified by the TSCC. She reported the budget changes had been reviewed before the Council at their meeting of August 28, 1986. Ms. Sims then discussed questions raised by the TSCC about the proposed CTS budget. She referred Councilors to a memo which answered those questions, specifically why that project budget had been developed after the regular, annual budget process. She also revised several minor errors in the budget information attached to Resolution No. 86-680 which staff had subsequently corrected.

Responding to Councilor Frewing's question about the level of Council involvement on the CTS project, Presiding Officer Waker and Executive Officer Gustafson reviewed current Council representation of CTS project committees and task forces.

Presiding Officer Waker opened the public hearing on the Supplemental Budget.

Estle Harlan, 2202 Lake Road, Milwaukie, representing the Oregon Sanitary Service Institute, distributed a memo to Councilors dated September 11, 1986, which explained her specific concerns. She questioned why Solid Waste Operating Fund Contingency monies were being loaned to finance the CTS project. She said the solid waste collection industry did not believe the \$588,719 transfer was appropriate. She also questioned whether the solid waste contingency figure was too high if such a loan could be made.

A discussion followed regarding the amount of the Solid Waste Operating Fund Contingency. Presiding Officer Waker said the unexpected, recent use of the St. Johns Landfill had brought in revenues not previously anticipated. The Executive Officer explained the contingency amount was appropriate and was budgeted to cover unforeseen circumstances.

Councilor Frewing was concerned that CTS budget decisions be made in an open forum. The Executive Officer explained the Metro Council

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was the only body which made budget decisions for the project and those decisions included a public hearing process.

Responding to Councilor Van Bergen's question about the appropriateness of the Solid Waste loan to CTS, Eleanore Baxendale, General Counsel, said the loan was lawful and appropriate. Ms. Sims added the staff report had referenced the state statute authorizing that type of loan. The interest rate and repayment schedule were set at the discretion of the Council, she said.

Councilor Kelley said she, along with the collection industry, remained concerned about the amount of the Solid Waste Operating Contingency Fund and staff had not yet satisfactorily explained the size of the contingency fund. Councilor DeJardin agreed and thought the Council's proper role was one of establishing policy for the fund and monitoring policy.

Don Hohnstein, 11505 S.W. Jody Street, Beaverton, testified the Solid Waste Operating Contingency Fund should be limited to \$1 million and the St. Johns disposal fee lowered to \$1.50 per ton in order to reduce the contingency fund. He thought solid waste revenues should be expended only on solid waste matters and urged the Council to table any discussion of CTS financing until after the November 4 election.

Presiding Officer Waker reminded Mr. Hohnstein that Metro did not set out to create a large contingency fund. The St. Johns Landfill became a popular disposal facility because of its low rates, he said. Because of that fact, the Council had to determine a responsible policy for managing the Contingency Fund.

After continued discussion, the Executive Officer and Ms. Sims agreed the loan provision aspect of the proposed Supplemental Budget could be set over to another time.

Motion to Amend: Councilor Gardner moved to amend Resolution No. 86-680 by adding the following language (underlined) to paragraph 4 in the "be in resolved" section: "The loan and interest will be repaid with bond proceeds." Councilor DeJardin seconded the motion.

Vote on Motion to Amend: A vote resulted in:

Ayes: Councilors DeJardin, Frewing, Gardner, Hansen, Kelley, Oleson and Waker

Nay: Councilor Van Bergen

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Absent: Councilors Collier, Cooper, Kafoury and Kirkpatrick

The motion carried and Resolution No. 86-680 was amended. The Resolution would be considered for adoption as amended after review and certification by the TSCC.

Councilor Gardner answered Mr. Hohnstein's previous question about why Metro could not wait until after the November 4 election to fund the CTS project. He explained funds were required in advance of the election to proceed with specific work projects and to get as much work accomplished as possible. If the bond measure passed, tax money would not be received to repay the Metro loan until July 1987. If the bond measure failed, the loan would be repaid from hotel/motel tax revenues which would probably not be collected by the Council and turned over to Metro until December 1986, he explained.

Motion: Councilor Frewing moved to adopt Resolution No. 86-681 incorporating staff's recommended amendments. Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Frewing, Gardner, Hansen, Kelley, Oleson and Waker

Nay: Councilor Van Bergen

Absent: Councilors Collier, Cooper, Kafoury and Kirkpatrick

The motion carried and Resolution No. 86-681, for the purpose of transmitting the Supplemental Budget to the TSCC, was adopted.

In conclusion, Executive Officer Gustafson said Councilor Kelley's concerns about the Solid Waste Operating Contingency Fund balance could be addressed when the Council reviewed the annual Solid Waste Rate Review Study.

7.2 Consideration of Resolution No. 86-684, for the Purpose of Setting Fees for Petitions to Amend the Urban Growth Boundary

Jill Hinckley, Land Use Coordinator, reviewed staff's report. She explained the Resolution would delete the cost ceiling on Hearings Officer's charges for major UGB amendments, change the timing for supplemental deposits, and provide for a refund when a petition was withdrawn.

Councilor Frewing asked if charges could be increased to cover other Intergovernmental Resource Center costs currently paid for by local government dues. Ms. Hinckley reported a major review was in progress to examine that issue.

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

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Frewing, Gardner, Hansen, Kelley, Oleson, Van Bergen and Waker

Absent: Councilors Collier, Cooper, Kafoury and Kirkpatrick

The motion carried and Resolution No. 86-684 was adopted.

8. OTHER BUSINESS

8.1 Consideration of a Contract with Guthrie, Slusarenko & Associates for the Update of the 1983 Zoo Master Plan

Kay Rich, Zoo Assistant Director, reported that priority projects identified in the current Zoo Master Plan had been completed or were being bid for construction. The contract under consideration identified new priority projects as listed in staff's report including parking solutions. Mr. Rich reviewed the contractor selection process and recommended awarding the contract to Guthrie, Slusarenko & Associates for \$58,000.

Councilor Frewing asked if staff would postpone the project until OMSI determined whether it would relocate. Gene Leo, Zoo Director, recommended proceeding with the contract because he expected OMSI to announce relocation plans early in the master planning process.

Motion: Councilor Van Bergen moved to approve the contract with the following changes (deletions in brackets and additions underlined): The first "whereas" paragraph be changed to read ". . . updating [the] Metro's Washington Park Zoo's 1983 Master Plan. . ."; and the last sentence of provision 7, "Ownership of Copyrights", be changed to read ". . . will not be published in whole or in part without notice of copyright approved by METRO ['S WASHINGTON PARK ZOO]." Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in:

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Ayes: Councilors DeJardin, Frewing, Gardner, Hansen,
Kelley, Oleson, Van Bergen and Waker

Absent: Councilors Collier, Cooper, Kafoury and Kirkpatrick

The motion carried and the contract was approved.

MINUTES OF AUGUST 14, 1986

Referring to a memo from Marie Nelson, Council Clerk, Presiding Officer Waker requested the minutes be approved as submitted.

Main Motion: Councilor Frewing moved to approve the Minutes of August 14, 1986. Councilor DeJardin seconded the motion.

Motion to Amend: Councilor Frewing moved to delete the last sentence of the third paragraph of page 16 of the minutes and Councilor DeJardin seconded the motion.

Vote on Motion to Amend: The vote resulted in:

Ayes: Councilors DeJardin, Frewing, Gardner, Hansen,
Kelley, Oleson, Van Bergen and Waker

Absent: Councilors Collier, Cooper, Kafoury and Kirkpatrick

The motion carried and the minutes were amended.

Vote on Main Motion as Amended: The vote resulted in:

Ayes: Councilors DeJardin, Frewing, Gardner, Hansen,
Kelley, Oleson, Van Bergen and Waker

Absent: Councilors Collier, Cooper, Kafoury and Kirkpatrick

The motion carried and the minutes were approved as amended.

There being no further business, the Presiding Officer adjourned the meeting at 8:05 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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